

## DOCUMENT RESUME

ED 204 065

RC 012 778

TITLE Oversight Hearings on Indian Education. Hearings Before the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor. House of Representatives, Ninety-Sixth Congress, Second Session (September 3, 5, 1980).

INSTITUTION Congress of the U.S., Washington, D.C. House Committee on Education and Labor.

PUB DATE Sep 80

NOTE 256p.: Paper copy not available due to small print size.

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.

DESCRIPTORS \*American Indian Education; American Indians; Elementary Secondary Education; \*Federal Aid; Federal Legislation; \*Hearings; \*Parent Participation; \*Program Administration; Self Determination

IDENTIFIERS Congress 96th; \*Indian Education Act 1972

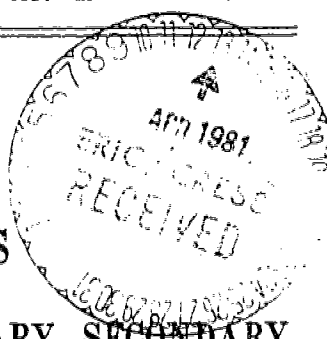
## ABSTRACT

The hearings dealt with Office of Indian Education (OIE) administration of the Indian Education Act, especially the part A entitlement grant process. Representatives from Title IV projects and Indian organizations (All Indian Pueblo Council; Gallup-McKinley County, New Mexico, Public Schools; Oregon Indian Education Association; Robeson County, North Carolina, Compensatory Indian Education Project; North Carolina Consortium on Indian Education; Native American Resource Program; Indian Parent Committee, Waterford, Michigan) noted problems with the administration of the fiscal 1980 grant process, including poor cash flow, reduced involvement of Indian parents with their children's education, reduced funding because of the program's "cost guide," local program cancellation, ambiguous certification forms, inconsistent and contradictory rulings, lack of technical assistance, and poor communications. Department of Education and OIE representatives responded to critical testimony, stressing their offices' commitment to Indian Education and describing a new organizational arrangement to help create important links among different Federal programs serving American Indians. They outlined past operations and recent changes (regarding technical assistance, the cost guide, and application quality reviews) to promote improved operations regarding title IV part A. The project and organization representatives outlined some as yet unsolved problems within the Department of Education and OIE. (SB)

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ED 204062

# OVERSIGHT HEARINGS ON INDIAN EDUCATION



## HEARINGS BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES NINETY-SIXTH CONGRESS SECOND SESSION

HEARINGS HELD IN WASHINGTON, D.C., ON  
SEPTEMBER 3 AND 5, 1980

Printed for the use of the Committee on Education and Labor



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## OVERSIGHT HEARINGS ON INDIAN EDUCATION

WEDNESDAY, SEPTEMBER 3, 1980

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ELEMENTARY, SECONDARY,  
AND VOCATIONAL EDUCATION,  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D.C.*

The subcommittee met, pursuant to notice at 9:30 a.m. in room 2257 of the Rayburn House Office Building, Hon. Dale Kildee presiding.

Members present: Representatives Kildee and Erdahl.

Staff present: Alan Lovesee, counsel; Jeff McFarland, research assistant; Scherri Tucker, assistant clerk; and Jennifer D. Vance, minority senior legislative associate.

Mr. KILDEE. The hearing will come to order. This meeting of the Elementary, Secondary, and Vocational Education Subcommittee will deal with the administration of the Indian Education Act by the Office of Indian Education. The Indian Education Act is a vital source of funding for programs meeting the special educational and academically related needs of Indian students. I have firsthand knowledge of the quality and value of the programs operated under this legislation. During a trip I took to the Southwest, I visited several title IV projects and was very impressed with what I saw. In addition, I have heard from numerous people in the field of Indian education expressing both the need for these programs and their importance to the Indian community.

The purpose of these hearings is to see that title IV programs are adequately supported and properly administered. My sole purpose and only agenda in holding these hearings is to assure that Indian children in this country are getting the full advantage of programs enacted by Congress. To this end, the committee wants to create a record on the recent part A entitlement grants process. We also want to provide the Department of Education with the opportunity to inform the committee of their future plans for the administration of this vital program.

Title IV was established in a manner to insure maximum self-determination on the part of the Indian people. Though passed prior to Public Law 93-638, we view Indian Self-Determination Act as controlling the philosophy and administration of title IV. The policy of that act clearly states:

The Congress hereby recognizes the obligation of the United States to respond to the strong expression of the Indian people for self-determination by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

(1)

The committee feels that title IV should be administered in a manner that helps foster self-determination. The Office of Indian Education should provide maximum support to parent committees so they may design a program which meets the specific needs of the local Indian students. Barring legal requirements spelled out in the statute, regulations or application, program determinations should be made by local parent committees, and information and technical assistance must be given to the field in a clear, uniform, and timely manner.

In order to serve Indian students in the best possible way, the Office of Indian Education must receive the full support of the Department of Education in personnel, services, and budget. We recognize and are encouraged by the progress which has been made in this regard to date. However, the committee wishes to stress that continued efforts are necessary, particularly in the area of staff shortages.

It is my hope that these hearings will fulfill several purposes. First, that they will reemphasize the nature of, and the committee's continuing support for these programs. In addition, the creation of an objective record reflecting the process controlling the vast majority of title IV grants should work to counter some of the selective, negative, and rather incomplete information regarding this program which has been circulating. Finally, through identifying problems and formulating solutions and timeliness, the Office of Indian Education and this committee can work together to enhance the program's ability to meet its objectives.

I would like now to call upon the Congressman from the Seventh District of North Carolina, whose district I had occasion to pass through and talk to some Lumbee Indians, and who has demonstrated a long-standing interest in Indian affairs and has played an important leadership role in Indian education. Congressman Rose.

Mr. ROSE. Thank you, Mr. Chairman. I would like to first let the record show that I sincerely appreciate your genuine interest in the Lumbee Indians of my district. On more than one occasion, you have talked to me on the House floor about programs that affect them and expressed to me your willingness to understand their predicament and their problems and I sincerely appreciate that.

I also appreciate the opportunity to appear before this subcommittee today to express my interest, commitment, and concern about title IV, the Indian education program, and its administering office, the Office of Indian Education in the Department of Education.

Forty thousand of my constituents are American Indians. Most of you have heard about the Lumbees, for they are the largest number of nonreservation Indians in the United States. Most of these Indians participate in title IV, part A of the Indian education program. Each of these groups participate through their local education agency, and each one of these agencies has been subjected this summer to responding to notices from the Office of Indian Education concerning the programs to be operated in the just-begun school year. Let me hasten to add that all of my constituents participating in these programs are happy to respond and comply with the requirements of the law. However, a review of the processes and procedures of the Office of Indian Education will reveal, as I

am certain you will hear this morning, that certain bureaucratic requirements of field programs and short turnaround time for response and the little opportunity for involvement of the parent committee in critical programs and budget decisions, I submit, are problems that must be corrected, for they undercut the very tenets and principles of the law itself.

A number of my constituents have expressed an interest in submitting testimony for the record, Mr. Chairman. I would appreciate it if it would be possible that the record be held open so that such testimony may be submitted. I would like to ask that it be for 2 weeks, but I will certainly abide by what you determine to be fair and reasonable length of time.

Mr. KILDEE. Two weeks will be satisfactory and the record will be kept open for that purpose.

Mr. ROSE. Thank you, Mr. Chairman. I feel certain other field projects through the country would also like to have the same opportunity. This morning you will be hearing from two of my constituents, Ms. Ruth Dial Woods, director of the Robeson County title IV part A project, Robeson County Board of Education, Lumberton, N.C. Ms. Woods directs the second largest title IV, part A in the Nation and last year this project and its evaluation was held up as a model for the Nation. She is a lifetime resident of Robeson County, a librarian classroom teacher and program administrator. My other constituent is Mrs. Agnes Chavis, who brings the statewide concerns of Indian parents throughout North Carolina.

I appreciate the opportunity to be present and wish to conclude my statement by suggesting to this subcommittee that all the witnesses present are to be commended for their willingness to call to our attention problems and progress with the Office of Indian Education programs and to specifically identify areas which need to be improved so that this Office can be more responsive to Indian children. I thank you, Mr. Chairman.

Mr. KILDEE. Thank you, Congressman Rose. I appreciate your continuing concern for the Indians in your district. I stopped in your district as I was coming back from Florida last January because you had told me about the Lumbees and had occasion to at least briefly meet with some of them. They certainly appreciate your concern for them.

Mr. ROSE. I hope on some future occasion you can go down there with me and see the new outdoor drama, not really new, called "Strike to the Wind." It is a story about the Lumbees. It was written by playwrights in North Carolina. It is a historical drama about our Indian people. I would love to take you sometime. Thank you, Mr. Chairman.

Mr. KILDEE. Thank you, Congressman Rose. Our next witness is Mr. Delfin Lovato, president of the All Indian Pueblo Council of Albuquerque, N. Mex., and Scott Childress, superintendent of schools for Gallup-McKinley County Public Schools. Frank Tenorio will be representing President Lovato.

[The prepared testimony of Frank Tenorio follows:]

PREPARED TESTIMONY PRESENTED BY FRANK TENORIO, SECRETARY/TREASURER, ALL INDIAN PUEBLO COUNCIL, ACCOMPANIED BY GOV. PAUL TAFOYA, PUEBLO OF SANTA CLARA, ON BEHALF OF THE ALL INDIAN PUEBLO COUNCIL

Mr. Chairman, my name is Frank Tenorio, Secretary/Treasurer of the All Indian Pueblo Council. The Council consists of the nineteen (19) New Mexico Pueblos representing 45,000 Pueblo people. Thank you for allowing us this presentation. Education is the highest priority of the Native American. Our willingness to participate in promotion of education is chronicled time and time again. The intent of Congress and the administration in furtherance of education is commendable, but the activity stops there.

The intent and purpose of Title IV, Part A is common knowledge but there are program restrictions and severe administrative problems which greatly inhibit the effectiveness of the Title IV Program.

In our view, the most serious problem the Title IV Program has is in the actual administration of the program itself. We view this as most critical since it is the administration which sets the program parameters which grantees are obliged to follow.

The All Indian Pueblo Council has had unpleasant experiences with top level administrators in the Office of Education specifically regarding favoritism, unethical and unprofessional practices by high ranking officials in that office. For example, the All Indian Pueblo Council was forced to bring O.I.E. to Federal court, on charges of altering readers' rating scores on an application which was submitted for funding.

Although the All Indian Pueblo Council proved, with O.I.E.'s own altered documents, to the Director of Indian Education, that such practices were indeed taking place within his office, the All Indian Pueblo Council had to revert to spending thousands of dollars to bring this issue to a just resolution in favor of the All Indian Pueblo Council by Judge Gnash in D.C. Federal court. We will be happy to provide you a copy of the findings of this court case.

Even though our repugnant experiences have resulted from actions taken by the high ranking official, the responsibility must be placed on the director and even directly in the Office of the Secretary of Education for being remiss in ameliorating the problems which have been allowed, not only to exist, but which have deteriorated in O.I.E. to the point of the ridiculous.

The high attrition and/or turn-over of professional personnel within O.I.E. is proof positive of discontent and low morale. These translate to inefficiency and ineffectiveness further lending to the drastic lack of service by that office to its constituency.

The All Indian Pueblo Council feels that the lack of qualifications of Native Americans can no longer be used as an excuse in promoting Key Indian People in the Federal government considering the large number of highly credentialled and qualified Indian People. The Federal Government has spent millions of dollars for Higher Indian Education presumably with the intent to hire those individuals upon gaining that education and their credentials.

Our second concern, which I stated earlier is effected by the actions and decisions of the administration, in the Title IV, Part A program.

Of major concern to the All Indian Pueblo Council is the decision by the Office of Indian Education to allocate so little monies to that activity to help establish tribal or Indian controlled schools. Of additional concern is the requirement that financial assistance must go to LEA's which have been in existence for three years or less with a maximum of three years of funding. This, coupled with the miniscule amount apportioned for the establishment of LEA's provides an obstruction to meeting the needs of a significant number of Indian students in newly established LEA's. Furthermore, the vast number, approximately 98 percent, of our Pueblo student populations are enrolled in LEA's which have been in existence for over three years.

It appears to the All Indian Pueblo Council that, on the one hand efforts are made to assist LEA's and, on the other hand the restrictions placed for qualifying LEA's are such that it renders the effort meaningless.

Further concerns to the All Indian Pueblo Council are:

1. Poor communications with existing grantees and potential applicants for assistance in all parts of the Title.
2. Lateness of application announcements and R.F.P.'s
3. Conflicting directions from Program Officers which have become the hallmark of O.I.E.
4. Unclear rules, regulations and funding criteria.
5. No technical assistance with respect to deadlines and funding criteria.

Mr. Chairman, these are some brief indications of the inequities and problems that exist concerning this subject.



We ask again, how long must we suffer? How long will it be before O.I.E. is made to operate in a way to be of benefit to our people? How far is the Department of Education willing to allow situations such as these to continue until the damage is no longer reparable.

In order to correct the inability of O.I.E. to function in delivery of services to its Indian constituency, we recommend that a complete change-over in the Office of Indian Education be made. We heartily concur that these oversight hearings are a just format to begin the change-over. We cannot afford to continue in the direction that the Office of Indian Education has taken--a change is imperative.

**STATEMENT OF FRANK TENORIO, ALL INDIAN PUEBLO COUNCIL, ACCOMPANIED BY GOV. PAUL TAFOYA, PUEBLO OF SANTA CLARA AND SCOTT CHILDRESS, SUPERINTENDENT OF SCHOOLS, GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS**

Mr. TENORIO. Congressman Kildee, it is nice seeing you again. The last time was down in our part of the country looking into some of the situations that we have done there concerning our educational system.

Mr. Chairman; my name is Frank Tenorio, secretary/treasurer of the All Indian Pueblo Council. I have with me one of our governors from the Pueblo country, Governor Paul Tafoya from Santa Clara Pueblo. The governor is one of the, I would say, champions of seeing that the Federal Government carries out its just responsibility in the way it should be. He is a tireless worker.

Mr. KILDEE. We did in our treaties incur obligations with the Indian nations and we certainly need to have your watchfulness to make sure we carry out those obligations.

Mr. TENORIO. Thank you. Mr. Chairman, the council consists of the 19 New Mexico Pueblos representing 45,000 Pueblo people. Thank you for allowing us this presentation. Education is the highest priority of the Native American. Our willingness to participate in promotion of education chronicled time and time again. The intent of Congress and the administration in furtherance of education is commendable, but the activity stops there.

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The All Indian Pueblo Council has had various unpleasant experiences with top level administrators in the Office of Education specifically regarding favoritism, unethical and unprofessional practices by high ranking officials in that Office. For example, the All Indian Pueblo Council was forced to bring OIE to Federal court, on charges of altering readers' rating scores on an application which was submitted for funding.

Although the All Indian Pueblo Council proved, with OIE's own altered documents, to the Director of Indian Education that such practices were indeed taking place within his office, the All Indian Pueblo Council had to revert to spending thousands of dollars to bring this issue to a just resolution in favor of the All Indian Pueblo Council by Judge Gnash in D.C. Federal Court. We will be happy to provide you a copy of the findings of this court case.

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changeover. We cannot afford to continue in the direction that the Office of Indian Education has taken—a change is imperative.

It seems that I am going contrary to the intent that was expressed by our Congressman in that the intent of title IV part A is there for the benefit of Indian people. We do understand; we are definitely involved in the educational process that has been made available to us. We are certainly appreciative of that particular relationship. We try our best and we do our darndest in trying to further those principles laid down by you so nicely in your introduction. But the thing is, just think how much better we can go, or how much better we can make the whole educational activity for our children if we had the type of relationship with our Indian Education Office here in Washington. There is no reason we cannot work things out. But the way it has been as of late we have had to fight for every buck that we got; and that is not kosher. That is the limit of my testimony. Unless you wanted to say something else.

Mr. TAFOYA. I guess the only thing I wanted to say Congressman is I came here to support the position of the All Indian Council. Mr. Frank Tenorio is one of our outstanding spokespersons and I am sure he is trying to get this message across to you. We have very strong feelings as to what happens within the Office of Indian Education. In his statement he pointed out 98 percent of our Indian students are going through LEA's. That is constituting a great concern among the Pueblo people. We maintain education as a top priority for our people. Certainly we want to get the best we can for them. If there is a system established by the Congress, then I think something should be done if it is not working properly. It is for that reason that I came here to see that Mr. Frank Tenorio carries out his instructions from the All Indian Pueblo Council. Thank you very much.

Mr. KILDEE. Thank you. I appreciate very much Mr. Tenorio that you feel this is a just format for seeking services from OIE. That is the purpose of this hearing. I think oversight by the Congress is an extremely important role. As I mentioned in my opening remarks our only agenda is to make sure the Indians of this country are served better under this title. I appreciate your recognition of this purpose. Does Mr. Childress wish to come forward and take part in this panel? You two gentlemen may remain there at the table. We may ask questions of the entire panel at the end of Mr. Childress' presentation. Mr. Childress again is the superintendent of schools for the Gallup-New Mexico County Public Schools in Gallup, N. Mex. It is the largest part A project in the entire country.

Mr. KILDEE. Would you like to make some remarks for the record?

Mr. CHILDRESS. Most definitely. I will be more than happy to. I have a brief prepared. I did not want to appear too efficient because I do not want a job in Washington.

Mr. KILDEE. It is not all that bad.

Mr. CHILDRESS. Gallup-McKinley County School District has been writing correspondence to OIE and other concerned and I have a stack of correspondence right here that pertains to the particular problem of cash flow. Obviously we do not have any cash.

Mr. KILDEE. Will you submit that correspondence for the record?

Mr. CHILDRESS. Be more than happy to. My name is Scott Childress, superintendent of schools, Gallup-McKinley County Public Schools. Presently we have about 11,800 students of which 8,000 are Indian students. We cover a land total of 5,000 square miles and we have students in I think every square mile.

We participate in a number of the programs funded by the Federal Government. Title I is a \$2 million program, Johnson O'Malley is a \$1 million program, 874 is an \$8 million program; we are also involved in 2, 815 building projects and with the title IV program this year it is estimated to be \$969,000. I have been asked to testify regarding title IV part A, specifically the processes in the administration of this program. Now historically the title IV program has been relatively easy to administer. The grant award was received around mid-August and funds received no later than mid-September. We could also extend the previous year's budget for the months of July and August, thereby assuring us staff would be available to plan for the implementation and the administration for the ensuing year. Thus we had contingency in the program. This year obviously has been a different story.

Presently we do not have a title IV program in the Gallup-McKinley County School District. The reasons for this, one, we were not allowed to extend our fiscal year 1979 budget for the months of July and August. Historically we could. This year we could not. Therefore effective June 30, 1980, I have no staff to implement and to administer the program.

Second, we have not received the fiscal year 1980 grant award. It was to have been mailed out Thursday of last week. When I called my office yesterday we still have not received the grant award. Obviously without the grant we cannot encumber funds.

Third, fund or cash will not be received until November first. Obviously without cash we cannot honor contracts. So without a grant award, without cash, and without a staff, we have no title IV program.

The reason for no staff is harassment on the part of OIE in not approving our budget extension request.

We do have cash to carry over, about \$100,000, which would have assured continuity of the program if this was approved.

We have \$969,000 title IV program and we cannot operate the program with 10-month administrators. We are asking in our budget extension that two people begin work on July 1 and five people begin work on August 1. I call it harassment in that again as in previous years we were allowed to extend budgets for personnel to begin the next year's program.

The grant award date was promised August 14. In the past the grant awards did arrive around mid-August. So that was no real problem as we always receive cash by mid-September. We could then honor personnel and other contracts.

Our school district issues personnel contracts in April and May. This year because of no financing that we would not receive cash until November 1, we did not issue any personnel contracts to any title IV employee.

If a person works they expect to be paid. But without cash this is impossible. The cash flow problem was brought to the attention of OIE and others in February. Obviously there has been no solution.

As a result most title IV employees have bailed out and have been absorbed into other programs. We are now forced to start the program, when cash arrives from the ground floor up.

So here we are, the largest title IV program in the Nation, I have been told, and no staff to assure that the objectives of the program are met.

Now the State of New Mexico has authorized its school districts to loan the title IV program cash once the grant award is received. In other words, it is up to the school districts to bail out the Federal Government.

My problem with this is that such a loan will jeopardize the school district in paying operational contracts and commitments. The reason I make this statement is that it is lengthy and detailed and I really do not want to go into the nuts and bolts of budgets. But I feel like I must have cash before I can operate the program.

A district loan cannot work, therefore other means must be established.

I have been quite negative and critical of the OIE, and its administration of the title IV program. I feel—and I have been told—that the reason we cannot have cash and we cannot have—we did not receive the grant award around the date when we previously did was because of a regulation. In administration you make regulations to make the program work, you do not make regulations to kill the program. Now the kicker came when our fiscal year 1980 application or proposal was rejected.

Now if we would have rewritten the entire project it would have been approved. We received a 12-page quality résumé form which, in essence, stated we needed to rewrite the entire proposal. With the cooperation and the encouragement of our parent committee we simply mailed back our original proposal and stated if that was not acceptable as written then to send us some technical assistance to rewrite the proposal for us. Strangely enough, our proposal was approved with a few minor changes that were discussed in a phone conversation. Again, harassment.

In closing, our application has been approved, I hear. The grant award is forthcoming, I hear. But cash has not arrived nor will it arrive in time to begin the program when we need it. We started school yesterday.

Also we have to hire almost a totally new staff. And as explained in a letter to the Secretary of Education, in March, our program has been destroyed.

Thank you.  
Mr. KILDEE. Thank you very much. We have a copy of the letter which you sent to Gerald Gipp expressing your displeasure, to say the least, on that.  
[Letter referred to above follows:]

FEBRUARY 28, 1980.

Mr. GERALD GIPP,  
Deputy Commissioner, USOE/Office of Indian Education, Washington, D.C.

DEAR Mr. GIPP: Based on information recently received from the Office of Indian Education and the February 27, 1980 workshop in this area a major problem on cash flow is beginning to develop for the Gallup-McKinley County Public Schools and your office.

The information I have received is that, if everything goes "extremely well", the district will have cash to operate Title IV-A by October 1, 1980. If everything goes "well" the district will have cash to start Title IV-A by November 1, 1980. These dates will create a cash flow problem for the district.

If the district does not receive Title IV cash by August 30, 1980, there will be no program at the start of school and employees will be laid off.

*Board Policy IV 22.5*

"Federal Project Employees. These employees will not be allowed to begin work on a new contract unless (1) program negotiations have been completed, (2) contracts and required documents have been signed, and (3) federal projects monies have been deposited in a bank. In no case will a federal employee be paid until the money is on deposit."

If there is not cash to start a program September 1, 1980, then there will not be an extension contract for the months of July and August. If there is not an extension contract for July and August, the six administrative staff will have to be laid off. What I am saying is that the district will not give certified staff a two months contract. If that is the case, who will develop Title IV-A for the fall term?

Likewise, what staff member wants a two months contract when they need and can receive a 12-months contract somewhere else. This total problem will involve about 60 employees.

Some way, the district needs to know by May 15 if there is to be cash in the district by September 1. This is based on School Board Policy IV 4.7:

"Certificated instructional personnel who are not being considered for reemployment must be notified fourteen (14) days before the closing day of school as prescribed by Section 77-8-9, NMSA 1953 as amended."

The district will not issue employment contracts to staff if there is a possibility of a program starting late.

In closing, I want to stress that the Office of Indian Education must state in writing by May 15 that the school district will have cash on hand by September 1, 1980. If this is not the case, the District's Title IV-A program will cease operation June 30, 1980. Is this a possibility?

Sincerely,

SCOTT CHILDRESS,  
*Superintendent of Schools.*

A letter has also been sent to John Tippeconnic and Judy Baker; Representative Carl Perkins of Kentucky, Chairperson, Committee on Education and Labor; and representative Dale Kildee, Chairperson, Indian Education Oversight Committee, U.S. House of Representatives, Washington, D.C.

Mr. KILDEE. Could I ask you, when you were told that you could not have a budget extension, did they give you any reason why they could not grant a budget extension?

Mr. CHILDRESS. Yes. That is interesting too, because the year before that, in other words the last school year they approved a budget extension for staff and our justification was in order to continue all efforts of the title IV Indian Education Act a portion of the 78 and 79 project moneys must be allocated for personnel and fringe benefits for the months of July and August. All right; that was approved.

Then we come back and we ask the same thing this school year, exactly the same thing; and that was denied.

Mr. KILDEE. Did they say that this was corresponding to the rules and regulations?

Mr. CHILDRESS. They had a stipulation in there, and if I can find it in this correspondence I will refer to it.

As outlined in your letter you are requesting to allocate a portion of the 1979-80 project monies for personnel and fringe benefits for the months of July and August by 1979-80 budget extension, this request is not approved. Staff may not be kept on duty beyond the project period for general purposes.

Now this was in conflict with their action from the previous year when that was approved. Now then they said that in some guidelines that they did come out with—I am trying to find the specifics, I do have it in here—

Mr. KILDEE. The point I am trying to get at is was this a rule and regulation that went through the regular process of being in the

Federal Register? Was this something they cited from the law? Or was this a matter of policy which they had developed internally?

Mr. CHILDRESS. I cannot speak on this on a factual basis but it appears to me like it was a policy that was developed internally.

Mr. KILDEE. Without anything in the Federal Register, without any basis in law?

Mr. CHILDRESS. That is the way I feel about it. I found what I was looking for regarding the summer extensions. It says here if you are unable to complete your evaluation or audit within the project period, it says, this extension would be for necessary administrative staff only. This was a reason, the justification that we asked for the extension. Also we asked to have staff on board to begin the project for the following year. I do not think that is law, I think that is just a policy internally with OIE.

Mr. KILDEE. I am going to ask you for a judgment here. In your personal judgment in your dealings with the OIE would you consider their denial then a rather arbitrary decision not based upon rules or regulations or law? There are three basic roots from which a decision can reach a local school district; one is the rules and regulations which go through a definite process, the other is the statute and the third is internal policy which is just that. In your judgment you would, at this point, without further research, feel this was a matter of their internal policy?

Mr. CHILDRESS. I would think it would be internal policy and I think it again is harassment and I do not want to go into any names but I feel like it is harassment on the part of OIE toward the Gallup-McKinley School District. We are large, we fight. If we feel we are not getting the service to provide to our Indian students we are going to take it to the wall.

Mr. KILDEE. Let me ask you this, because you have touched on some things we are looking at very closely. We have these three roots of actions that would touch LEA's, the law, the statute, the rules and regulations. In this internal policy, have you seen evidence where that internal policy is applied arbitrarily or without uniformity to local school districts?

Mr. CHILDRESS. Not really between two local school districts. I find it happening on the basis of each year as opposed to next year, without us being aware of any changes that have been made. Now I think that that would be more internal than it would be otherwise. Where we get upset is we need to know the rules before we start the application process. As we get into the application processes they come back and change their internal rules on us and that just messes up the whole proposal writing processes.

Mr. KILDEE. In this instance not so much lack of uniformity for school districts but lack of uniformity from one school year to another?

Mr. CHILDRESS. Yes.

Mr. KILDEE. Would the other gentlemen at the table care to comment on that? Do you have any similar experiences?

Mr. TENORIO. I understand what the gentleman from McKinley School District is saying. I know definitely when he says harassment I cannot but agree with him 100 percent, because that seems to be the name of the game. You quoted the three particular steps, the law, statute, rule and regulations. When the administration



begins to—whether it is political expedience or self-sustaining goals or whatever, to revert to internal policy which wrecks ever trying to cover tracks, that is very serious. I know we have been just skirting the issue. As far as the All Indian Pueblo Council is concerned we were involved in it, we know what that gentleman is trying to say.

Mr. KILDEE. Let me ask you this: Do you feel that the Office of Indian Education recognizes the statutory role of parent committees in developing these title IV programs? Would any of you care to comment on this?

Mr. TENORIO. I will have to revert to the intent as far as the law is concerned. Under Public Law 81-874, when the impact issue came before us, there were certain stipulations that were not enforceable but when the education law came into being, 95-561, that more or less was an attempt to put to rest some of the unenforceable regulations. But when we got out in the field to do that, the States were guilty in not going the limit of the law; the involvement of the parents and teachers was not taking place. We made an issue out of that particular case in our school district. So we know what certainly the compliance feature of the rules has not been—I think they care less, the higher you get the less you care for whether they adhere to the rules and regulations in the field, where we are trying our best to implement those things. But without having the backing of the source of the power, it is just like crying in the wind.

Mr. KILDEE. The point I am trying to establish here and you gentlemen are being helpful in this, is that if it is something statutory, you can read the statute. If it is something in the rules and regulations you can read that. But if it is merely shifting a policy from one year to another you cannot be mindreaders.

Mr. TENORIO. Right.

Mr. KILDEE. They are asking you to be mindreaders in a sense?

Mr. CHILDRESS. That is the way we feel. Back to your question that you asked, I think this is a reason why our proposal, after it was returned and they asked us to, in essence, rewrite the proposal, the parent committee did write a letter, and it says primarily that with the committee members voting unanimously to reject the quality review form; one, the quality review represents a continuing paternalistic attitude from Washington, D.C. to the native Americans which has existed for too long a time; two, the Office of Indian Education is not approving; what has been approved by the parent committee. Much time, effort and expense has been expended by members of the parent committee.

I think in essence with what the parent committee was saying, this is our proposal based on the needs as we perceive those needs, therefore this is why it is in the proposal.

Mr. KILDEE. Could we have a copy of that letter for our record?

Mr. CHILDRESS. Yes.

Mr. KILDEE. We feel the record of this hearing will play a very important role in whatever changes will take place in OIE and so would appreciate a copy of that letter.

Mr. CHILDRESS. You bet.

[Letter referred to above follows:]

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS.  
Gallup, N. Mex., June 25, 1980.

Mr. GERALD GIPP,  
Deputy Commissioner,  
Office of Indian Education, Washington, D.C.

DEAR MR. GIPP: At the special meeting of the Title IV Parent Committee for the Gallup-McKinley County Schools on June 24, 1980, the committee members voted unanimously to reject the "Quality Review" letter from the Office of Indian Education.

We do, however, advocate an acceptance of our Title IV, Part A, 1980-81 grant application just as it was written and submitted for approval on March 20, 1980.

Our decision is based upon several concerns:

1. The "Quality Review" represents a continuing paternalistic attitude from Washington, D.C. to Native Americans that has existed for too long a time.

2. The Office of Indian Education is negating what has been approved by the Parent Committee. Much time, effort, and expense has been expended by members of the Parent Committee. We work our regular eight hour day, then drive as far as sixty miles one way to conduct business in our attempt to satisfy Office of Indian Education requirements.

3. These Parent Committee meetings may last until ten or eleven o'clock at night, but we must still report for our regular jobs at eight o'clock the following morning. This means we may spend as much as six hours planning and making decisions for what purpose?

4. We feel that there is ample opportunity for input into the Title IV program. We have helped to formulate and approve the type of programs we wish our children to have.

The Office of Indian Education appears to have little or no comprehension of the geographic and physical characteristics of the district. Our program and budget reflect what we feel are required for our situation.

6. The Office of Indian Education is well aware that we no longer exist as a Parent Committee as of June 30; nor, are there any staff people on duty after June 30. Who then would answer the "Quality Review" letter, approve and sign off during the twelve days in July?

7. It appears that the Office of Indian Education is not only attempting to make LEA administrative decisions, but to determine what the Parent Committee shall and shall not approve.

We are resubmitting the proposal which has had input from the National Indian Training and Research Center, Tempe, Arizona; Southwest Research Associates, Albuquerque, New Mexico; the Title IV staff, and the Parent Committee.

Sincerely,

DONALD SMITH,  
Chairman,  
WILBERT HARVEY,  
Vice Chairman,  
Title IV Parent Committee.

Mr. KILDEE. Are any of you aware of the other school districts in New Mexico that have started school without a title IV program operating?

Mr. CHILDRESS. Yes, sir. Albuquerque Journal, August 28, State Board of Education meeting, none of the school districts in New Mexico have started their title IV program.

Mr. KILDEE. None?

Mr. CHILDRESS. None. It says here interestingly enough, that the board, this is the State board of education, voted to send a telegram to the Under Secretary of Education stating that the delay in receiving the money is forcing school districts to delay issuance of contracts to teachers. It is interesting enough that the State board is going to do this, August 28, whenever I did this, on March 13.

Mr. KILDEE. Counsel.

Mr. LOVESEE. Mr. Childress, that comes as a surprise, at least on the staff level. I have talked to you several times. I have talked to other people within New Mexico. During my conversations with you, I was under the impression that the program would start; other conversations which I had with other school districts were



attempting to counsel the idea that the projection should start on time on the basis of what was good for the children. This seems to represent a change in certain LEA attitudes, if none of the school districts started. I knew there were some problems with some LEA's. I thought some had started and some had started part time. I am very shocked and wonder what happened at the August 28 meeting where this decision was made. I knew people were talking about having such a meeting but I thought the counsel had been against having it. What happened?

Mr. CHILDRESS. I do not know. In the State of New Mexico, before you can operate any program whether it is Johnson O'Malley title I or IV, the school districts must receive a grant award. This is like a contract. It is going to assure that school district they are going to receive their funds. Once the school districts receive the grant award then they would be able to make a loan from their operational budget into the title IV program.

Now this comes under the direction of Al Clemmons, the director of public school finance.

Mr. LOVESEE. And we talked to his office. We thought there was some slack going to be cut. Are you telling me it cannot be done?

Mr. CHILDRESS. It can be done once the school districts receive the grant award.

Mr. LOVESEE. Will it be done then once they receive the grant awards?

Mr. CHILDRESS. It depends on the school district. Again we get back into the problem with budget. We have about 18 or 19—let me think. Like I was saying earlier we get \$8 million in Public Law 874 funds. Say with our overall budget for about \$18 million, the State then will subtract \$8 million from our entitlement from State aid. So that means that we have a problem and all large 874 school districts have problems in cash flow. Usually in December, and this is for operational purposes, usually in December we start asking the State for an advance until we receive our 874 funds. In other words I feel like if we are going to start the title IV program whenever we do get the grant award, we are not going to have sufficient cash flow to operate our operations program or our basic program unless we ask the State for an advance.

Mr. KILDEE. On that, I thought I had received assurances that you would have received the grant award letter guaranteeing financing by now. Apparently the assurances given to me did not materialize; when you do get the grant award guaranteeing financing will you start your program?

Mr. CHILDRESS. OK. We are going to look at our cash flow and our operational budget. If it appears as if we are going to have sufficient funds to carry both the operations program and the title IV program for 2 months, then I feel like we will start. If it does not look that way, then we are going to ask Al Clemmons for an advance. And if he advances us funds to begin the title IV program we will. If he cannot then we will just have to wait until we receive the title 4 funds from the Federal Government.

Mr. KILDEE. In either instance, how long would that delay the beginning of the program for the Indian children?

Mr. CHILDRESS. If we use the funds within the school district probably a week to 2 weeks. If we need to ask for a cash advance

from the State probably anywhere from about 2 weeks to 1 month. If we need to wait for the Federal funds to arrive it would be around the first of November.

Mr. KILDEE. The first of November?

Mr. CHILDRESS. Yes.

Mr. KILDEE. So in either case there will be a delay in the start of the program for the Indian children?

Mr. CHILDRESS. Yes, sir.

Mr. KILDEE. Again, the sole agenda of this hearing, to see how we can enhance the services for the Indian children. That is what education is all about.

Any policy decision or any statutory limitation or any rule or regulation that is going to interfere with the delivery of services to the children has to be examined very carefully. Even Congress does not claim Mount Sinai in writing the law. So if the fault is in the law, we will look at it; if the fault is in the rules and regulations we will look at the rules and regulations, if the problem is in the policy we are going to look closely into why that policy was adopted in such a fashion as to really withhold from the students those services which Congress has mandated. It is a congressional mandate which can find its roots in treaty rights which the Indians of this country obtained when they signed treaties with the U.S. Government.

Does counsel have any further questions?

Mr. LOVESEE. No, sir. Thank you.

Mr. KILDEE. I think you have been extremely helpful in elucidating for the committee some of the problems you have experienced and if the materials we asked for the record would either be sent or left with us today, we would appreciate that. As I indicated this is certainly a bipartisan committee. Here is a person whose concern for the rights of Indians in this country is well known, the gentleman from Minnesota, Mr. Erdahl.

Mr. ERDAHL. Thank you very much, Mr. Chairman. I apologize to you and the people on the panel for being tardy. I was at a markup in another subcommittee.

Mr. Tenorio, on page 2 of your statement you indicate you had to bring to district court the problem of an altered reader review score in an application. I have a couple of questions about that. First of all, did the court find evidence of altered reader scores and second, what was the determination of the court and were there some instructions that came out of this case to the Office of Indian Education?

Mr. TENORIO. I have a copy of the court case. As I stated in my testimony we were successful in that court. The decision was handed down. The thing was that we were denied funding at the outset. As a result of the court hearing we were funded. Our program got off the ground and we began operations as a result of the court case and I have a copy of this case here for you.

Mr. ERDAHL. Did the court mandate that or did the agency modify their position to bring that about?

Mr. TENORIO. The agency more or less went corresponding to the mandate of the court to follow the directive of the court.

Mr. ERDAHL. OK. Mr. Chairman, I do not know if this should go officially or unofficially in the record but staff handed me a couple

of articles by Jack Anderson. Some of his stuff has been a bit sensational lately. He talks about Indian education still in a shambles. "In a recent column I described the OIE as a quagmire of mismanagement, incompetence, and discrimination. In fact it would be hard to find an agency in Washington so debilitated by official neglect."

Then he goes on telling about some things in a couple of columns. I think maybe the majority staff already has it, but as part of the record we should include this article because it does touch on rather serious allegations. I do not have further questions.

Mr. KILDEE. Thank you very much, panel. Your presentation has been helpful to us. The Chair would like your indulgence. If I could declare about a 5-minute recess I will run over to another committee meeting and come right back.

Mr. KILDEE. We will get started again. I am on record at the committee meeting next door.

Our next set of witnesses will be Mr. Jim Thornton, vice president, Oregon Indian Education Association, and Ms. Delores Twohatchet, if they will come forward.

You may proceed in any manner you have decided upon.  
[The prepared statement of James Thornton follows:]

PREPARED TESTIMONY BY JIM THORNTON, VICE PRESIDENT, OREGON INDIAN  
EDUCATION ASSOCIATION

The purpose of the Oregon Indian Education Association is to promote and provide better educational services to Indians in the state of Oregon. The Association directs Indian educational information to schools, Indian communities, Indian organizations, and individuals. In addition, the organization supports favorable or opposes unfavorable state and federal legislation affecting the education of Indian people.

The Indian Education Act of 1972, and its subsequent reauthorization, have given Indian parents the opportunity to reaffirm a traditional involvement in the education of Indian children. The Indian parents' role in developing supplemental programs in local school districts to best meet the needs of Indian children has led to a gratifying level of success. Parent committees, working with local school districts, have helped develop a new working relationship between schools and Indian people where before the interaction has been minimal.

Recently the Board of Directors of this Association has noted a decrease in emphasis on the role of Indian parents and the parent committee. Efforts by the Office of Indian Education to circumvent the involvement of Indian

Education Title IV-A parent committees has become evident. In the past five years I have personally been active in Indian Education programs in schools under Title IV, Part A, of the Indian Education Act. During that time I have observed greater efforts within the Office of Indian Education (OIE) to ~~subvert~~ <sup>provide</sup> local control and involvement of Indian parents in the education of Indian children. In many instances, control is being assumed more by the Local Education Agency (LEA) simply because the parents feel more alienated and intimidated by the Office of Indian Education. OIE efforts to develop educational and esoterically-derived requirements undermines the Indian parents' understanding and trust in special supplemental programs. Indian parents, students, and teachers are required to develop, approve and monitor local Indian Education activities.

The very strength of Indian Education program effectiveness has been centered in the involvement of Indian parents, school personnel, and Indian students in meeting locally observable needs of Indian children. The parent committee involves Indian parents, students, and schools, in the education process . . . often for the first time. Several times when talking with school district personnel on the south coast of Oregon, I have heard of the positive personal growth observed in Indian parents, as well as their children as they become involved for the first time in the local education system through Indian Education programs. Parent committees are not simply rubber stamp approvals for school districts to obtain Federal funds. Parent committees actively help plan and monitor supplemental programs developed to meet the local needs of Indian students. Inflexible and standardized "guides" issued from the centralized Office of Indian Education have made it more difficult and even impossible to meet the needs of Indian students locally. Such administrative "guides" that are perceived as ironclad rules go beyond the intent of the Indian Education Act and have recently produced anxiety and feelings of frustration from Title IV, Part A, Indian Education parent committees.

In July, the Executive Officers of the Oregon Indian Education Association requested under the Freedom of Information Act (as amended (5 U.S. Code Section 552)) access to copies of all regulations and General Counsel opinions pertaining to an administratively imposed requirement as outlined in the OIE "Program Cost Guide". This requirement limited any school Indian Education component to an OIE-fabricated requirement of "95% Indian student participation". The decision to limit any school Indian Education component to 95% Indian students participation was simply not workable in non-segregated schools which often includes many reservation Indian Education programs. For example, in a class size of thirty students, if there were only two non-Indian students a successful program component such as an Indian resource speaker presentation would not be allowed.

One important need encountered in many Indian Education programs has been the development of positive reinforcement experiences for Indian students in schools during the normal school day in addition to remedial efforts. Supplemental evening and summer programs are not always available or effective for Indian students in Oregon for dealing with school needs because of transportation and time considerations. Local needs require local programs to deal with them. Title IV-A is specifically designed to meet the needs of Indian students. If those needs can be met with the participation of non-Indians and they do not dilute the services of Indian students being served, as determined by the local Indian Education parent committee, these services should then be provided. The unyielding and illogical administrative selection of "95% Indian student participation" was <sup>unjustifiable</sup> ~~unjustifiable and unfair~~.

As a result of the Association's hand-delivered request for legal justification of this rule, no such legal justification could be provided. Repeated telephone calls to Title IV-A Program Specialists in Washington, D.C., from Title IV-A programs in our area indicated this was a hard rule. A subsequent letter of reply to the Association signed by Judy Baker (for

Dr. Gerald Gipp) attempted to explain away the rule as simply a guide, outlined in the "Program Cost Guide" (sent just prior to the 1980-81 due date of Title IV, Part A, proposals). As of this date, I am unaware of any other response from the Office of Indian Education that has downgraded this administratively-derived "guide". In fact, all other administratively-derived "guides" in the multi-paged "Program Cost Guide" not specifically addressed in our Association enquiry are assumed to have the weight of the administrative Office of Indian Education behind them. In my communications with Title IV-A programs in Oregon, I learned that they were hearing of the determination for the first time. Failure to inform individual programs of such important program facts is a major problem within the Office of Indian Education.

Administrative attempts to narrow the scope of locally developed programs will defeat the intent and success experienced within Indian Education. Efforts to restructure the requirements for entitlement grants will provide less Indian parent participation in developing a better local program. By requiring greater expertise in the submission of grant proposals for entitlement programs, greater emphasis is shifted from the involvement of the Indian community to the necessity of educational and grant writing experts of the local school district. Major efforts have been taken to involve Indian parents in the education of Indian children. This has been the major strength of Indian Education. Taking that involvement away from the people most knowledgeable will lead to ineffectual programs. In turn, as administratively imposed paperwork increases, local school district enthusiasm has begun to decrease. No other Federally funded program has attempted to involve parents so thoroughly in the education of their children. This has been one of the greatest strengths in the past. Continual OIE demand for increased administrative requirements jeopardizes local involvement.

The "Indian Student Certification", OE Form 506, 8/79, has been a problem



for almost all Indian Education programs. In addition to providing certification of the student's eligibility for entitlement funding under Part A of the Indian Education Act, it has also been incorrectly used as a data gathering instrument. Indian communities are periodically inundated with census and survey forms. Often Indian parents feel that they are being used as a head count for various groups for various reasons that are never really explained. Usually that information collected is never shared with those being sampled. Most Indian families feel sampled enough. Using the Indian Student Certification form as a data gathering instrument has made its completion one great headache.

Efforts to communicate to OIE the many problem areas inherent in the form did not seem successful. Not only is the form in triplicate, it is perforated so that data collection information can be separated from the identification of the eligible student and parent information. Only the data collection information was to be returned to the Office of Indian Education for compilation. Only the school district and the parent committee received the other copies. But requiring the parent to complete the form in triplicate for government use was extremely upsetting. "Why do they need this information?", was the usual parent response. Confidentiality did not seem to be as important in the survey design as it is for the parents.

In order to complete the certification required for student eligibility, OIE required the data collection also, even though its inclusion made the task even more difficult. Repeated personal visitations to parents by parent committee members and staff was therefore required to complete the task. Locally, when entitlement proposals were submitted to the Office of Indian Education for the 1980-81 funding cycle, only those newly completed 506 forms on hand for eligible students could be reported. This gave a total amount of "entitled" funds based only on those students who had new certification forms on file at that time. Efforts to update those figures was denied by the Office of Indian Education.

In years past, Deficiency Notices had been sent to Title IV-A programs for missing minimum standards necessary for entitlement grants. This year, after proposals were submitted for the 1980-81 program year, "Quality Review Forms" were sent to individual Title IV-A programs. These review forms went further than the Deficiency Notices sent in years past. The "Quality Review Forms" often required substantial changes in program design necessitated by "guides" that ruled supreme. Most south coastal Oregon programs that I personally had worked with, providing technical assistance, received almost identical responses on their "Quality Review Forms". It appears that almost all of the comments were copied from the OIE Program Cost Guide which required specific adherence in order to be considered for funding.

Another major item on the "Quality Review Form" centered around the method of determining the local needs assessment and ranking process for program development. OIE efforts to standardize all Indian communities with some perceived ideal method does not take into account the abilities of local areas. Local parent committees and the school districts are aware of the best methods of determining needs in their individual locales. Involvement of the Indian community is required in the development of Indian Education programs. The Indian community is aware of the best methods in involving Indian parents and students in the needs assessment and ranking process. Open public hearings and open parent committee meetings are a continuing part of Indian Education programs and provide the necessary adjunct to the local school district. Efforts to formalize this process tends to take away the feelings of local control and involvement of the Indian community in the process. Any effort to take away from the direct involvement and participation of the Indian community will destroy Indian Education programs and efforts.

Also included in the "Quality Review Forms" was the determination that "at least 95% of the recipients of any service must be Indian children". Serious criticism was also expressed toward the exemplary south coastal cooperative Indian Education summer camp program that had been widely commended and was a feature at the last Office of Indian Education-sponsored conference in Anaheim, California (Final reports on the last three cooperative Indian Education summer camps are on file within the Office of Indian Education in addition to the three, ninety minute presentations given at the national conference in Anaheim). Also required in the "Quality Review Forms" was a complete rewrite of objectives and activity plans. These "Quality Review Forms" were received just as parents, students, and schools entered the summer season. This made it extremely difficult to get a full parent committee and school district together to work toward rewriting the best program possible under the new guidelines. Still, parent committees consisting of extremely dedicated people held forth in supplying the necessary responses to the "Quality Review Forms". As of this date, programs have not yet received word of forthcoming funding for the 1980-81 program cycle. This makes it difficult and often impossible for local Indian Education programs to commit funds for program activities.

Increased administrative requirements are making it more difficult to maintain direct services for Indian students. If the grantees primary efforts are spent in completing administrative requirements, then the student takes secondary importance. Naturally, there is a standard amount of record keeping, evaluation, and grant writing expertise required to meet the intent of the Act. But, it is not necessary to expect the local Indian community and the school district to spend an exorbitant amount of effort on the grant management. The primary efforts taken should focus on developing the best programs for Indian students. The law is very clear in its delegation of authority: The parent committee works with Indian parents, students, and teachers in formulating the program needs; the Local Educational Agency is responsible for operating the program; and the Office of Indian Education sees that it is in accordance with the law as an entitlement grantee. Efforts to diminish the purpose and intent of the Act diminishes the success of a policy of Indian Self-Determination.

STATEMENTS OF JIM THORNTON, VICE PRESIDENT, OREGON  
INDIAN EDUCATION ASSOCIATION AND DELORES TWOHAT-  
CHET, LAWTON, OKLA.

STATEMENT OF JIM THORNTON, VICE PRESIDENT, OREGON  
INDIAN EDUCATION ASSOCIATION

Mr. THORNTON. Good morning. My name is Jim Thornton. I am from Cheyenne. For the last 5 years I have been Coos County, Oreg., Indian education coordinator on the southeast coast of Oregon.

Since July 1979, I have been funded through the Willow River Indian Benevolent Association by a title IV, part B, 3-year competition grant. In April of this year I was elected as vice president of the Oregon Indian Education Association. As such I have had close association with many title IV people in the State of Oregon. Many concerns have been expressed about the present direction of the Office of Indian Education. I am here to share some of these concerns with you this morning.

I think one of the strongest and most important parts of the Indian Education Act of 1972 has been the involvement of Indian people in the traditional role in education of Indian children.

I personally feel that this is being lost due to so many requirements within the Office of Indian Education. We heard in the last presentation from New Mexico problems with making it more difficult to do reports, to involve the parent committee requiring a redirection or rewriting of objectives right in the middle of summer when it is hard to get parents together.

All of these things probably within the last year have tended to take away from the parents the feeling of the parents that they are involved in title IV, the requirements to put everything in educational terms, which is completely foreign to having parents being involved.

The most important thing about involving parents through the education process is saying yes, you are not just a rubber stamp approval. You are involved in making these decisions.

What has happened by having late startup times, not getting back in time to get the information, the parents are just getting worn out and we are going to lose them. That would be disaster for title IV programs.

Again, the strength of title IV has been the involvement of Indian parents and the Indian community in the education process.

One recent thing we have been involved in is the OIE cost guide. This was sent out just prior to the submission of the 1980-81 part A grant submissions. In that there was an OIE fabricated requirement requiring 95 percent Indian student participation.

In Oregon and even on reservation settings, because we do have urban or rural programs also besides reservation programs, we have found this has been unworkable. That would require if you would have 30 students in a classroom, if you had two non-Indian students within a nonsegregated school, public LEA, then that particular component would not be legal.

The Oregon Education Association was concerned about this one thing within the program cost guide. We felt that we should make our voice heard on this. We sent a letter to the Office of Indian

Education about 1 month ago. It was hand-delivered. We requested under the Freedom of Information Act to know where this determination had been thought up, and finally we received word back from them, with a half page letter, that stated it was only intended to be a guide and not as a rule.

In all other communications with them they said the program cost guide was what you had to do. After finding this out, as far as I know the association is the only one which has received word. There are other programs operating which do not know this is only intended as a guide, they have it still as a part of their program, this takes away an important component to their programs.

Another problem has been in the Indian certification form. One of the things that I feel is a problem in this form is in providing certification of student eligibility which is naturally important also used as a data gathering instrument. As such it has turned off many parents. Why do they need that information?

This is another instance where we are losing our parents' involvement in Indian education.

In years past we received deficiency notices. They were developed as a helping tool. It was after the grant was submitted the deficiency notices were sent out to give time for those programs to come into compliance. There might have been something that was left out, they were able to make comments about that.

This year we didn't have deficiency notices. A new form called quality review forms was sent out. These require substantial changes in programs often necessitated by the guides or rules that were in the program cost guide.

One of the things within the quality review forms that were received centered around determining the local needs assessment and ranking for program development. I guess it was some ideal process that they developed the program cost guide by but, again, this is something taking away from the parents.

This takes away with their working with other parents in setting up with these needs. They are told they are not using the right standard. Any effort to take away from the direct involvement of the Indian community will destroy Indian education programs and efforts.

Also required in the quality review forms was a complete rewrite of objectives and activity plans just as parents and schools entered the summer season. We have 11 different title IV programs on the south coast. After meeting with 11 programs, they all decided they would respond to those and it was a very, very major effort. It seems really incomprehensible that would be something at the last minute after we have worked on it all year; then we determine at the last minute what is going to be happening.

What should be the primary effort should be taking the best programs for Indian students, not answering things from guides or whatever they are. I really feel that we cannot overemphasize the fact that at the local level title IV programs are working.

Local programs are providing for the special needs of Indian students, often for the first time. Title IV is one of the most positive programs developed to provide great impact on our Indian children.

Parents have again been helping shape the future of their children. The Office of Indian Education is our link with the education system. As such we need much better communication between OIE and the Indian community. Greater emphasis on local involvement with less bureaucratic white tape will again put us on the proper path.

Mr. KILDEE. Thank you very much, Mr. Thornton. We appreciate your testimony. If you will remain at the table we will now go to Ms. Twohatchet and then we will have questions.

#### STATEMENT OF DELORES TWOHATCHET, LAWTON, OKLA.

Ms. TWOHATCHET. Thank you. First of all, I would like to thank Congressman Carl Perkins for extending an invitation to me to participate in these important hearings.

My name is Delores Twohatchet. I live at 320 NW., 63d Street in Lawton, Okla. I am serving my seventh year as project director for Project Participate for the Lawton public schools, Lawton, Okla.

Last year the Lawton public schools enrolled 18,559 students in three high schools, four junior highs and 35 elementary schools.

The Bureau of Indian Affairs, until recently, operated Fort Sill Indian School within the city limits. Indian people living within the community consist primarily of the Kiowa, Comanche, and Apache Tribes, but 34 other Indian tribes are also represented among the 1,483 Indian student enrollment.

The State of Oklahoma is termed "nonreservation" even though the 1970 U.S. census showed the Indian population of Oklahoma to be 98,468, the largest in the United States. Ninety percent of the State's school-age children attend public schools.

The Lawton title IV, part A project consists of several components. These are: One, Indian counselors at the high school; two, home-school coordinator program; three, tutoring program; four, Indian cultural awareness activities; five, Indian clubs; six, parental cost assistance; seven, student miniworkshops; eight, inservice training for staff and parent committee; and nine, Indian parent committee activities.

During the past 6 years we have diligently tried to comply with the rules and regulations as set forth in the Indian Education Act, Public Law 92-318.

It has been an effort at times because of the frustrations we have experienced in dealing with the Office of Indian Education. Since 1974, which was my first year as project director, there have been seven program specialists assigned to western Oklahoma. These persons were: One, Lee Antell; two, Janice Swann; three, Cletus Emery; four, Chuck Emery; five, Harvey Timberlake; six, Fayette DeMontigny; and seven, Lloyd Elm.

We have experienced a lack of support and continuity in receiving adequate direction and leadership for our programs. There seems to be little or no communication between the local school district and the OIE office.

Communication is usually initiated from the local programs to the OIE office, instead of their giving direction and information to the field.

My experience with the OIE office during the first 2 or 3 years of the program was that "no news is good news."



I often inquired as to how our program fared in relation to similar programs. We requested a site visit during our 4th year and received a visit from Ms. Fayette DeMontigny. Ms. DeMontigny gave us strong support and seemed to have a full understanding of the intent of title IV. She informed me during the spring of 1978 that our program was being cited as an exemplary program. Our career awareness program was noted as being highly successful.

This component provided career awareness work experiences to Indian high school students. Each student was required to sign an agreement stating that he would be in regular school attendance, maintain a 2.0 average and have a good work record. Students who were 16 years of age and in grades 11-12 were eligible. They worked 2 hours per day for 10 hours per week. They were paid through project funds.

Indian counselors at each high school supervised the program and provided additional information on careers. This program had full participation and was highly successful. It served as an incentive for younger students to strive toward identifying a future career.

During the week of March 10, 1980, Mr. Lloyd Elm, our present program specialist for western Oklahoma, made a site visit to our program. In addition to meeting with our title IV staff and school administrators, Mr. Elm met with approximately 50 Indian students. He also met with the Indian parent committee.

After his visits and observations, he verbally recommended to the parent committee that after visiting with the students he felt that they should be allowed to work for 3 hours per day and that their pay should be raised from \$2 per hour to meet minimum wage standards. The parent committee took his recommendations under strong consideration.

On April 28, 1980, we received a letter from Mrs. Judy K. Baker, branch chief, Division of Local Educational Agency Assistance, OIE, informing us that "the direct educational benefits deriving from this program is questionable."

Her recommendation was to restructure the component to meet the need of children with the most severe educational need and to stop the practice of paying the students for their work experience.

We were stunned, to say the least, when we received this directive. Several students had already signed up to continue on the program. We questioned the authority of someone to arbitrarily stop a successful program that had been operating for 5 years. We called Mr. Elm and questioned him about this decision.

He informed us that he understood our position, but that his hands were tied and that he was directed to notify us that according to the program cost guide, a document distributed by OIE, we could not continue the program as we had done in the past.

Because I knew personally how this program has affected the lives of countless Indian students, I was determined to seek every means I could to let my case be heard. If the program were not successful, or if there were no interest in participation from students, it would have been easy to accept this directive and reprogram the funds to meet other needs, but this was not the case.

Indian students who would have not had an opportunity otherwise were exposed to a variety of careers. Among these have been:



One, camera person at a local TV station; two, disc jockey at a local radio station; three, veterinarian's assistant; four, draftsman at a local architect; five, physical therapist; six, ballet teacher; seven, nurse aide in obstetrical ward; eight, carpenter.

The compensation the students received for 8 hours of experience did not meet even the minimum wage standard. This compensation only paid for their gasoline costs since they were required to provide their own transportation to their career sites.

Because the career awareness program was an incentive program, many Indian students learned how to conduct themselves on a job interview, how to meet the public, how to open and maintain a checking and savings account and where to go to find more information about a specific career. Many students improved their grades and school attendance in order to participate in the program.

At one time, over half of the career awareness experience students were listed on the honor roll.

The parent committee felt that severe educational need is not always an academic need. Those with severe educational need would receive services through the tutoring program. The career awareness program was designed to meet the needs of those Indian students who otherwise would have difficulty in identifying career choices.

They would also be able to identify specific courses containing they would need in order to be qualified for a certain career.

I have an attachment at the end of my testimony, a letter from one of the students supporting this documentation.

All these arguments for continuing the program were stated in correspondence to Mrs. Baker from the Lawton School District. With all this in mind, I had an opportunity to meet with Mrs. Baker in her office in June 1980 to discuss further the career awareness program.

Again she stated that we could not continue the program because of the reasons mentioned. She informed me that the decision was made after the Office of Education General Counsel ruled that it was illegal to pay stipends to our students.

I requested that she provide a letter from the attorney, Paul Riddle, stating this opinion in writing. It was my feeling that judges make rulings and attorneys make opinions. I could not see the legality in this decision.

I told Mrs. Baker that I could not understand the reasons for our discontinuing the career awareness program and I surely could not explain it to our Indian students and parents. She assured me that I would receive the opinion from the attorney.

As of this date I have not received any written communication from Mrs. Baker or Mr. Riddle. I returned home with a feeling of helplessness and hopelessness.

The program cost guide is a document that raises many questions in my mind. It outlines more of what we cannot do in our programs rather than what we can do. For instance, for the past 6 years we have had an Indian senior recognition dinner at the end of each school year.

The graduating class of 1980, through the support systems and services our program provides, saw a record number of Indian

students graduated. The students who were in the seventh grade when our program began were graduating seniors this year.

Each year we have given recognition to the Indian seniors and their parents for this important achievement. The Indian parent committee, through fundraising activities throughout the year, purchases savings bonds for an outstanding Indian senior from each high school. These students also receive plaques and citations from the State Senate of Oklahoma.

The Oklahoma Federal of Indian Women recognize students with citizenship awards. Four junior high students are also cited for outstanding school records. The students themselves set up the criteria for selection of all awards.

We usually invite speakers who are Indian and can relate to the young people in a positive manner. School board members, administrators and staff all share in this event.

Student committees plan every phase of the activity and develop leadership and management abilities. Everyone looks forward each year to this culminating activity.

Mrs. Baker informed us that according to the program cost guide we would have to discontinue our senior recognition dinner. We could no longer provide incentives nor purchase plaques.

She did give me some suggestions on how we could modify this activity and still have the dinner. We were told that only if the activity lasted at least 5 hours and extended over a mealtime could it be approved.

Another suggestion was to have the students prepare and serve the meal. We intend to fund the traditional Indian senior recognition dinner this year by holding our fundraising activities to defray costs.

In July 1980, I talked with Dr. Gerald Gipp, Deputy Commissioner of OIE, about my concern for the career awareness experience program and other matters. I explained the entire situation to Dr. Gipp. He also assured me that I would receive a letter from the general counsel.

He stated that we could be liable for paying back all the money we used in the program for the past 5 years. He told me that he understood my position and felt that we could work something out.

He told me he would talk to Mrs. Baker and return my call the following day. The next day I waited until midafternoon, then called Dr. Gipp. He accepted my call and told me that he was in a meeting and asked if I would be willing to talk with Mrs. Baker. I agreed. Again, Mrs. Baker stated her original views regarding the program.

Our program budget has been revised to reflect this directive. Our students have been informed that we will no longer provide this component.

I have pointed out this situation to illustrate the fact that there is a lack of support and continuity in receiving adequate direction and leadership over the title IV programs.

My experience in working under the Office of Indian Education have been that the staff does not seem to be aware of State laws. Local and Federal headlines do not coincide. Most school districts, by law, must inform their employees whether they will be rehired.

My observation of OIE has been that program award letters are sent out to the field later each year. This year, for instance, is a prime example. Our program began the second week of August. We did not receive our notification award letter until Friday, August 29. Our staff has been operating on faith alone.

Our school district has accepted the responsibility to pay program expenses with the idea of being reimbursed upon receipt of the award notification.

Last year we were told twice at title IV conferences that no program would receive a deficiency notice and that all programs would be approved.

We received a letter from our State superintendent of schools that stated, "all completed applications for title IV-A for the 1980-81 school year cleared the screening process with no rejections."

We were further told that there would be no field readers to assess the proposal applications.

In June 1980, we received a multipaged quality review form requesting additional information. During the previous years we had not received any deficiencies. In fact, we were commended for our proposal application. Many of the items included in our proposals have become models for other programs and are required now as a part of the applications. For example, we were among the first to have student representatives on our Indian parent committee.

Another issue that has caused quite a stir of controversy is the identification of Indian participation for title IV purposes. Most Indian people find the 506 form intimidating and not appropriate to Oklahoma. I, personally, found the card to be ambiguous and unclear.

I had difficulty completing the form for my own child who is a fullblood Indian. The form appears to have come from top management and mandated to us. Many Indian people tire of completing forms to prove their Indian blood every year.

When title IV began in 1972, there was an honest effort by those in top management to support the need for parental involvement in programs. Parent committees were encouraged to take a leadership role in deciding programs. Many Indian people who had never gotten involved before were serving on parent committees and helping to decide the needs of Indian communities.

Recently, however, there has been the feeling that parent committees do not have the support from OIE to help resolve conflicts between local school districts and the parent committees. Many times they feel frustrated and used.

Even within title IV directors and staff, there seems to be a frustration attitude. There is a high turnover of staff and directors. My opinion is that for many there is no security.

Title IV funds are appropriated on a yearly basis and one does not know from one year to the next whether he will be hired. My personal feeling is that title IV staff persons remain in programs because they see how Indian children are affected by the programs.

In Lawton we are fortunate that we have kept over 80 percent of our staff who began 6 years ago. There is a combined total of 41 years experience in working with title IV in the Lawton public schools.

In my opinion, one of the causes for the lack of communication within OIE is that a hierarchy has been created within the bureaucracy. For example, Oklahoma has the largest number of part A projects. There are only two persons assigned to monitor all Oklahoma programs.

These persons are under the Branch Chief, who is under the Division Director, who serves under the Associate Deputy Commissioner under the Deputy Commissioner, who serves under the Commissioner of Education under the Secretary of Education.

In order for Oklahoma people to do what must be done, we need a program specialist who is visible and who can make judgments relative to operating part A projects. We need someone who has the full support of the OIE office as well as a full understanding of how the State of Oklahoma operates its school systems.

The resource centers can be a useful source for helping title IV, part A projects to receive technical assistance.

In conclusion, I want you to know that I come here with mixed emotions. Some people warned me not to come because nothing would change, that I would have to face repercussions for my testimony; that title IV would be discontinued if too many people complained.

My feeling is that I know that I could never make you understand how it is out in the field where the real people are. Where last week Johnnie Villacana cried all morning because they closed Fort Sill Indian School and she had to come to the public school. She said that all the other kids were staring at her and that the school was too big; where Joel Kotay was sent home because he had head lice because his water has been turned off for several weeks; where Julie Cannon, a bright Indian girl, committed suicide; where Brian Stillwall, a junior high student, comes to school hung over; where Laura Guerrero, a pregnant 10th grader, wouldn't come back to school after her baby was born because she was ashamed; where Basil Bruner enrolled in our war dancing class because, as he said, I think it would make me feel good about myself; where this summer, the hottest in Oklahoma history, 60 children came voluntarily for 6 weeks to learn about Indian history and culture and met every day in a classroom without air conditioning.

These are the kinds of students that touch my life every day. They are the future. Title IV has served the intent of the law in providing programs to keep these children in school.

There is everything right about title IV. But, there is something wrong with the Office of Education leadership and management.

Mr. KILDEE. Thank you very much, Ms. Twohatchet, for your testimony. I want to assure you that if you feel there are any repercussions directed at you because of your testimony, please contact this committee immediately because that is a matter of law.

You are protected when you testify before this committee. We certainly want to be alerted to anything like that, should it happen.

We would like to ask some questions now.

Were you given a legal basis for not allowing this career awareness program?

Did O.E. cite a statute, or rules and regulations that were formulated under the process set up by law?

Do you believe there was a legal basis for their denial of this program?

Ms. TWOHATCHET. If there was, it was never pointed out where to find that legal basis. I was told it was a decision made by the legal counsel verbally and that I would get a letter stating this.

I told them if I didn't understand why, I couldn't, surely, explain it to my parents and I needed something in writing to show that it was a legitimate reason. But I never have received that letter.

Mr. KILDEE. The letter that you received from Judy Baker, could you supply this letter to be made part of the record of this committee?

Ms. TWOHATCHET. Yes.

Mr. KILDEE. What was the local reaction to this forced deletion of this career awareness program?

Ms. TWOHATCHET. Like I said, we were just shocked. When Mr. Elm came last spring he recommended to the parent committee that the students be allowed to work more hours and get an increase in salary. The kids had already signed up for the program this year. Then we just couldn't understand it, really.

A lot of them stayed in the schools but only in school about 4 days and a lot of the students still don't know.

There is a support letter in the testimony from one of the reactions of one of the students. I can provide more if that is necessary.

Mr. KILDEE. Yes, if you could provide that for the record we would appreciate that.

The parent committee had approved the career awareness program under the whole philosophy which is embodied in the law, the philosophy of self-determination.

What was the effect upon the parent committee when they were in effect told their input was unacceptable?

Ms. TWOHATCHET. Again, like the gentleman stated right here, they had the attitude, well, what is the use of being on a parent committee? What is the use of identifying needs if we are going to have to change it anyway?

Mr. KILDEE. When did you receive the Program Cost Guide?

Ms. TWOHATCHET. I think it was with the application last spring when we received the application form.

Mr. KILDEE. Were you at that time told that was a requirement rather than just a guide?

Ms. TWOHATCHET. It was pointed out to us that we should stick to that as much as we could but then after I discussed it with Mrs. Baker and her people later they told me the cost guide did not have the force of the law but then we were still supposed to go by it.

That is what I couldn't understand. If it didn't have the force of the law, why did we have to comply with it, especially after we have had programs for 6 years, then they come along and say you can't do it anymore or you may have to pay back the money because this is not included or this is illegal?



Mr. KILDEE. So, you feel that they determined then beyond the law and beyond the rules and regulations what were the requirements for the program?

Ms. TWOHATCHET. Yes.

Mr. KILDEE. Does counsel have any questions of Ms. Twohatchet?

Mr. LOVESEE. Thank you, Mr. Chairman. Were you aware that at the end of the process a decision was made that failure to respond to the quality review form would not mean denial of a grant?

Ms. TWOHATCHET. I understood it that way. This has been the practice of the past in that in the years past we got deficiency notices and we were given 30 days to respond and if you don't respond they tell you you won't get your award letter.

Mr. LOVESEE. You were under the impression that if you did not respond to the quality review you would not get a grant?

Ms. TWOHATCHET. Yes.

Another thing I would like to point out, before I came up here I talked to a lot of Oklahoma people and told them I was coming to testify and asked them to share concerns with me about problems they were having. Over 100 percent of those people pointed out the same things that I am presenting today.

At first I thought maybe I was being paranoid but after talking with several of the people across the State, they share the same frustrations I do and I felt even more convinced in coming up and presenting the testimony because I am not the only one that is having these problems with the program.

Mr. LOVESEE. Were you made aware, however, of a subsequent decision, one made at the latter part of July, that failure to respond to the quality review form would not be failure to get an award?

Ms. TWOHATCHET. We never received that information, no.

Mr. LOVESEE. And that some of the awards are being made on the basis of original applications?

Ms. TWOHATCHET. No, I am not aware of that.

Mr. LOVESEE. Thank you, Mr. Chairman.

Mr. KILDEE. On that point then, those who resisted the qualitative changes in quality review or delayed, seemingly were able to keep their program physically intact because a decision was made not to use that as a requirement. However, those who early responded received a program that was quite severely modified?

Ms. TWOHATCHET. Yes.

We considered that. We considered submitting two budgets, one with our career awareness and one without it. But I was told if I did that they would ignore the one budget and just accept the one without the career awareness program.

Mr. KILDEE. At least at some point who said we will not change?

Ms. TWOHATCHET. The ones in Oklahoma that I talked with, they all changed reluctantly. A lot of the programs here in Oklahoma haven't even started because they haven't received their award letter. A lot of the school districts won't take on the responsibility for paying staffs.

Mr. KILDEE. Thank you very much. We appreciate your testimony. I know you have to leave.



Mr. ERDAHL. Evidently you have another committee. But I want to thank you also for your specific and explicit testimony, Ms. Twohatchet.

When you talk about the career awareness program, my understanding is that, in a sense, it epitomizes the goal and intent of title IV of giving meaningful incentives to ascribe for excellence. I think it is incredible that the change was made.

The question I have is why is it stifling parents? Is it that the people in the bureaucracy feel threatened? Is this looked upon as meddling in their field of expertise?

As a parent with children in school, it seems to me one of the most essential components of the whole operation is the support and involvement of parents.

When it has evidently worked well in this area, why is there a movement to stifle it apparently?

Mr. THORNTON. It might be perceived within the office that it is easier to have standards in dealing with individual programs. That would be the only thing that I can assume, that it would be easier.

Mr. ERDAHL. If I may interrupt, it seems to me they have the whole thing backward because the whole thing would not be dealing with individual programs but with individual people.

Mr. THORNTON. The way the act is intended is for the involvement of Indian parents being active in the decision process which is being taken away by these standard rulings.

Mr. ERDAHL. Is that your perception?

Ms. TWOHATCHET. When title IV first started that was the thrust and there was a lot of parental involvement and parents did make decisions and did go to school board meetings and get involved.

But I don't know whether it is the turnover of staff but it seems to be going backward and a lot of parents don't get the support they need when there is a confrontation with the school board. They don't get the direction from OIE.

I know of situations in Oklahoma where the school boards are overrunning the parent committees. Indian people are not aggressive but we are learning though. And we are in awe of people with degrees, especially white people. A lot of Indian people feel maybe I can't speak English very well and I don't feel adequate when I come to the meetings so a lot of them just go along with things.

I don't know why but that is the way it is in a lot of situations in Oklahoma.

I just had a situation last week in western Oklahoma where the superintendent told the parent committee, I want this person hired. If you don't hire this person, we are not going to have a title IV program. They called their OIE and they didn't get the direction and support they needed. The attitude was: What is the use? I am just going to serve out my term until we go to conference and then I am going to quit. That is the attitude they have.

Mr. ERDAHL. I had a question where you list the number of program specialists assigned to western Oklahoma. You list seven in 6 years. I just wrote in the margin why? Why is there a big turnover? Is there a lack of stability that these programs are only funded for 1 year?

Ms. TWOHATCHET. This is in the OIE office. I don't think they are funded from year to year. These are people that manage our programs.

Mr. ERDAHL. Why such a big turnover, in your opinion?

Ms. TWOHATCHET. In my opinion? I really don't know. If I knew, I would tell it.

Mr. ERDAHL. I think you would.

Thank you, Mr. Chairman.

Mr. KILDEE. Thank you, Congressman Erdahl.

Now to Mr. Thornton, formerly you used to get a deficiency notice on these programs.

Was that limited to information that was required under the law?

Mr. THORNTON. Yes.

Mr. KILDEE. It was limited to legal deficiencies or did the quality review go beyond legal deficiencies?

Mr. THORNTON. Oh, yes. They ask for complete rewrites.

Mr. KILDEE. Even though your grant application may be legally sufficient, and has all the documentation that meets all the legal requirements, the quality review goes beyond that?

Mr. THORNTON. I believe that some of the information on the quality review form was from the Program Cost Guide.

Mr. KILDEE. Did they indicate to you, however, that the quality review, even though it did go beyond the legal requirements, nevertheless, was a requirement for getting the grant?

Mr. THORNTON. Yes. They said it had to be in by a certain date, otherwise, it would not be funded.

Mr. KILDEE. It would not be funded unless those changes were made?

Mr. THORNTON. It had to go. Otherwise, it would be too late. There was a date sometime in August and if we didn't have it in by that date that means it wasn't submitted and we wouldn't be funded at all.

Mr. KILDEE. The emphasis on self-determination is really a policy of Congress which is embodied in the statute. What basis did the OIE cite as the reason for setting aside the input of the parent committee?

Did they cite a statute or rule or regulation?

Mr. THORNTON. There are instances where it seems they question anything the parent committee thinks is the best local need. Every time that happens, when they say the parent committee isn't important, then the parent committee feels less a part of the whole program. I don't know if it is a policy of the Office but that is the result of it.

Mr. KILDEE. Did they not cite anything in the statute or in the rules and regulations as the basis for required change, did they indicate that it was a required change and if you did not get that required change in by a certain date, the application would not be funded?

Mr. THORNTON. Yes. All of the 11 that I worked with, 11 title IV programs, all resubmitted. I heard of only one where it received word they had been funded and they had requested a change in part of it.

The others, as far as I know right now, have not even received word and the school started yesterday.

Mr. KILDEE. Among those 11, do you think that the changes were significant changes in the program or were some insignificant, some minor?

Mr. THORNTON. Very significant.

Mr. KILDEE. In all instances?

Mr. THORNTON. Yes.

Mr. KILDEE. In all instances they were significant changes?

Mr. THORNTON. Yes.

Mr. KILDEE. Do you feel the parent committee's input was set aside by OIE but you were given no basis in law or rules or regulations for that?

Mr. THORNTON. No, just their responses to their proposal in the quality review forms. In that several times they used the Program Cost Guide as what to look at to determine what you are supposed to write.

Mr. KILDEE. We have seen from Mr. Childress that there is a lack of uniformity from one year to another, for example, on their extension requests. Are either one of you aware of lack of uniformity among school districts where a certain district was allowed things where others were disallowed?

Mr. THORNTON. In our quality review forms when we received those back—we are providing technical assistance to those 11 programs—and when we received those back they all started the same way, they were just copied one after another in the same way. It had the very same things in all of them.

Mr. KILDEE. So you are saying that among those that you worked with they had a certain uniformity?

Mr. THORNTON. Yes. Word for word.

Mr. KILDEE. Counsel, do you have any questions?

Mr. LOVESEE. Thank you, Mr. chairman. I just have the same question. Were you under the impression when the quality review form was sent out you had to respond to it prior to an award being made?

Mr. THORNTON. Yes, otherwise, we wouldn't be funded.

Mr. LOVESEE. Did you become aware of a change in that policy during the latter part of July?

Mr. THORNTON. No.

Mr. LOVESEE. Thank you, Mr. Chairman.

Mr. KILDEE. There was a change in the latter part of July when another person came to OIE and decided not to base the grants upon the quality review but to base them on whether they were legally in order.

Mr. THORNTON. Was there a written communication to that effect?

Mr. KILDEE. No, it was just a decision made that these grant applications would be processed and they would not use the quality review as the basis for determining the award. It really would establish two classes of grants: those who had modified to meet the quality review and those that had dug in their heels or refused to modify and, therefore, after that decision was made received their grants with the input from the parent committee apparently intact.

Mr. THORNTON. I might say, one additional problem we had with the 506 forms, when we were at the Technical Assistance Workshop in Anaheim in September, we were told that we had to submit those for our entitlement numbers when the new proposals went in.

So with our 11 different programs, what we did, as of the date those proposals were due, we submitted the number of Indian students on the 506 forms we had on hand and we were told by someone within the office we would be able to update them. Then we were later denied that.

So our funding is for 1,009 students and as of now we have approximately 1,219 students who are on the new 506 Forms.

Mr. KILDEE. Mr. Erdahl, do you have any further questions?

Mr. ERDAHL. Just a couple of comments.

I want to commend our chairman for his leadership in this area. It has been one of his concerns for a long time. All four of us on both sides of the table represent States with different populations.

I thank you for your presence, Mr. Thornton. You have these unbearably complicated forms. When those of us who fill out forms every day even have difficulty understanding them, we know other people who don't work in that realm probably feel hopelessly frustrated by them.

Have you made any attempt to get through this morass of bureaucracy and suggest simplified forms?

Ms. TWOHATCHET. I question whether we need them at all. Black people don't have to prove they are black to participate in programs. There are parents who are beginning to refuse to sign these forms. They signed them the first year and they question why they have to prove they are Indian. There are a lot of people who are refusing to sign the cards.

When we first got the new 506 form, I called the OIE office because I was having difficulty understanding that form. I asked for some answers and I didn't get them. The person that I talked with didn't even understand the form himself because I asked him who were the nonrecognized tribes and who were the State recognized tribes.

He said there is a booklet out; have you seen it? He said, I will send you a copy of it. I have not received it. He told me he would find somebody to answer my question. I waited and waited and he cut me off the line. I had to get my information from the project director.

I know you are aware there are 32 definitions of Indian. It has been the lifelong career of some Congressmen to identify an Indian. We have 36 tribes in the program. Each program has a different definition. Parents can't understand why their child is eligible for one program and not for the other.

You can be a full-blood Indian and still not be eligible for title IV. I don't know what my membership roll is. My grandfather had an allotment roll but, as I stated, I don't even know how to fill out the card for my own son but I know he is a full-blood Indian.

These are the frustrations I am facing now. We sent out 20,000 cards and we are going to have to get those back.

You said awhile ago is everything the same for each project? They let us put these forms on a card that had a lot of copies and

they would send us 600 copies. We put the little information on a little card and we sent out 20,000 of those cards and hopefully we will get them all back when I get home.

Mr. KILDEE. One further question: The quality review form that you had to reply to, was that also as complicated as the 506 form?

Mr. THORNTON. It went into much more depth than the deficiency notice. The notice said what was under the act that was required and then there was a space below that and then the specialist would say what was immediate and that explained it to the parent committee and then the parent committee, with the school district, would respond to give that information that might have been left out of the original proposal.

Ms. TWOHATCHET. We haven't received information whether that information was correct. We probably could have written anything down it would have been accepted. Even before when we responded all we said what do you want us to put down, we put that down and it was accepted.

But with the quality review forms a lot of the statements were ambiguous. We had to call them to find out what they wanted us to put down.

Mr. KILDEE. When you returned the quality review form with the required changes, did it always go back to the same reader?

Mr. THORNTON. We don't know who it went to. That is this year that already not Indian field readers from the communities and that might have something to do with it also and their understanding of local conditions.

Mr. KILDEE. I thank both of you for your testimony here.

Our next witness is Ms. Ruth Dial Woods, director, Robeson County compensatory education project, Lumberton, N.C., and Ms. Agnes Chavis, chairperson, North Carolina Consortium on Indian Education, Pembroke, N.C.

You may proceed in any manner that you determine among yourselves.

**STATEMENTS OF RUTH DIAL WOODS, DIRECTOR, ROBESON COUNTY COMPENSATORY EDUCATION PROJECT, LUMBERTON, N.C., AGNES CHAVIS, CHAIRPERSON, NORTH CAROLINA CONSORTIUM ON INDIAN EDUCATION, PEMBROKE, N.C.**

**STATEMENT OF RUTH DIAL WOODS, DIRECTOR, ROBESON COUNTY COMPENSATORY EDUCATION PROJECT, LUMBERTON, N.C.**

Ms. WOODS. I am Ruth Dial Woods, project director of the Robeson County title IV, part A, project, in Lumberton, N.C.

I am an Indian parent, an Indian educator with 7 years classroom teaching experience, 10 years experience in administration of Federal programs at the management level, and 3 years experience as project director of the largest funded title IV, part A, project east of the Mississippi and the second largest funded project in the Nation.

I wish to begin my statement by a direct quote from my written testimony.

I cannot emphasize sufficiently our concern for protecting the integrity of Indian people and our ability to successfully participate at all levels in educational decisionmaking.



It is for this reason, and this reason alone, that this testimony has been prepared and is being submitted to this committee.

I wish to emphatically state that this testimony is in no way an indictment of any individual nor is it intended to express any charges of any nature on either an agency official, staff member, or the Office of Indian Education.

Rather, it is intended specifically to provide insight into the issues and concerns which hamper the effective administration of title IV, part A, projects at the local level and is an effort to clarify issues and to offer recommendations for your consideration which can improve title IV, part A, program administration at all levels.

I also share with the previous presenter some concern about potential aftermath after this testimony. I say that because just yesterday I received a grant award letter and I have some concerns which I will address later in my testimony.

The area which I represent is comprised of Indians who have several hats to wear. We are known as those "nonfederally recognized," "State recognized," "rural," and "nonreservation."

Since 1887, separate State-supported Indian public schools were maintained until school desegregation was mandated in 1964, including an all-Indian institution of higher learning created by the North Carolina State Legislature in 1885.

Today, there does not exist in Robeson County either Indian schools or an Indian institution of higher education.

Additionally, Indians in Robeson County or anywhere else in the State are not eligible for Federal assistance scholarships and aid in the State institutions of higher learning as they were excluded from the State plan which focused on increased minority presence.

North Carolina has not participated in financial reform programs, and has indicated no change in disparities between 1970-75.

Only six other States have per pupil expenditures below that of North Carolina, making North Carolina 43rd in the Nation in per pupil expenditures for public education (National Center for Education Statistics).

Our program accomplishments to date have been consistent with the intent of title IV, part A, legislation and have been detailed for you in an addendum to this testimony.

The impact of title IV, part A, programs, activities, and services to Indian students in the Robeson County schools is evidenced by supporting documentation of continuous decreases in dropout rates beginning in 1977, although on the uprise due to recently State-mandated competency testing, also a factor in reversing the increasing trend of high school graduates until the current school year.

The number of Indian students indicating their intent to pursue postsecondary education and training peaked in 1977-78 but began to decline in 1978 and subsequent years due to the lack of financial aid, the economy, and increased demands of competency testing.

However, since the inception of title IV, part A, programs in our school district, there has been continuous increases in school attendance.

An overview of the Robeson County title IV, part A, project in the attached addendum provides you with insight into expenditures, archival data, and further specific accomplishments.



I might also add that a 4-year analysis of test scores can be made available to this committee upon request.

My major purpose for providing this testimony is to solicit your support for the continuation of such opportunities for accomplishments and the improvement of educational programs and services and expansion of educational opportunities for Indian children.

At a point in time when we are moving ahead with both public and professional acceptance of title IV, part A, programs and services, we are being bombarded with a chain of events which are hampering our progress and is impeding the quality of title IV, part A, programs and services to our students.

Beginning with the requirement of OE-506 form recertification, surrounded by the controversy as to whether or not they were required by the Office of Indian Education or the congressionally mandated "Definition of Indian Study," projects received inconsistent information about the requirements and were burdened with forms about which they had no input as to whether or not the plan was feasible and realistic.

Originally, projects were advised through technical assistance conferences that the recertification was to be completed for fiscal year 1980 funding although the forms were not available for distribution at this time.

In late September, with the forms still not distributed, projects were advised that the OE-506 forms would be required for fiscal year 1981 funding, however, copies were necessary for the "Definition of Indian Study" and due to the Assistant Secretary's office by May 15, 1980. [Reference: Memorandum—Dr. Gipp—Sept. 28, 1979.]

Forms were received by our project in mid-November, but it was not until January 29, 1980 [Reference: Memorandum—Dr. Gipp] that projects received additional clarification extending the types of documents which could be utilized in certifying Indian student eligibility.

We received inconsistent information about the requirements and we are burdened with forms about which we had no opportunity for input or any determination as to whether or not the plan was feasible. I have attached for you copies of concerns from the Office of Indian Education giving directives as to the time limits where reports would be required.

The fact that the "Definition of Indian Study" had been congressionally mandated and that future funding was deemed dependent upon such recertification, many title IV, part A, projects concentrated on this process of recertification which left little time for concentration on meaningful program services or the meeting of project objectives.

There remains some clouded issues as to the applicability and usefulness of the OE-506 forms to the "Definition of Indian Study" and the capability of grantees to successfully complete this task as required for fiscal year 1981 funding.

The reset of the fiscal year 1980 quality review notice requiring a response, we began the laborious task of responding to a multiplicity of items as required. I have provided you with a copy of the quality review notice, which did indicate to you that a response to this quality review was required.

I might add at the same time 3 weeks before the deadline for submitting our project applications, March 10 in Robeson County, we received a program cost guide.

What this did to us meant that the public hearings that we held in January, the meetings that we held with the parent committee in February resulted in another meeting to bring about changes which we had previously proposed to the community at large in open public hearing.

I must amend my testimony—and have provided you with copies—in saying that to date we have received our grant award letter, we have also received a copy of a letter which I have provided you from Dr. Thomas Minter regarding a letter of inquiry.

I would refer you to that letter and offer you the comments that this still does not address the issues and concerns which we have raised regarding the quality review notice.

This letter indicates that we were told we would receive a response at the end of the quality review process. I checked with my superintendent, the chairperson of my parent committee, who did meet with officials in the Office of Indian Education. It was not their understanding we would have to wait that long for a response.

[Letter referred to above follows:]

U.S. DEPARTMENT OF EDUCATION  
ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION,  
Washington, D.C., August 28, 1980.

Mrs. RUTH DIAL WOODS,  
*Director, Robeson County Compensatory,  
Indian Education Project, Lumberton, N.C.*

DEAR MRS. WOODS: Thank you for your letter of July 17 concerning the Quality Review Form that the Office of Indian Education (OIE) used during the FY 1980 application review process.

The Quality Review Form, referred to in your correspondence, was used to assist the Education Program Specialists in reviewing Part A applications. The form, a checklist or guide which was developed from the Indian Education Act Regulations covering Part A and the instructions in the Part A application packet, was used to record omissions or unclear information in the school districts' applications. It was also used to provide instructions on how to bring the application into full compliance with the regulations and the law and to make suggestions that would upgrade the quality of applications.

I understand that you and Mr. Purnell Swett, Superintendent of the Robeson County Board of Education, have met on separate occasions with OIE officials and discussed in depth with them your concerns regarding the application review process and the Quality Review Form in particular. Subsequently, Mrs. Alice Ford, OIE Education Program Specialist, called to inform you that OIE would answer Mr. Swett's specific concerns by letter following the completion of the application review process. The review process has now ended, and the reply should be mailed to Mr. Swett in the near future.

I hope this information is helpful. If I can be of further assistance, please let me know.

Sincerely yours,

THOMAS K. MINTER.

Ms. Woods. When I visited that office myself and on subsequent telephone conversations with program specialists, I was not advised that it would be that long before we could expect a response.

It was not until yesterday when we received grant award packages that we received copies of the new rules and regulations and the new copies of EDGAR. However, our project applications and all the previous decisions were based on those documents, which were not accessible to the projects.

In reviewing the grant award letter, with the conditions placed on it yesterday, I feel that many of the problems remained as evidenced by the conditions which have been placed on the grantees.

Having just received those grant awards yesterday, I did not have time to check with too many of the other projects, but the few that I was able to contact were finding that the same questions have been posed to us again; maybe not in terms of the number, but some of the same concerns we have asked clarification on for the past 3 months.

I should like to share with the committee at this time some generalizations which I have regarding the part 4 study.

Two weeks ago, at the invitation of Dr. Gipp, I was asked to serve on a panel reviewing contracts for title IV impact study. I obtained clearance from OPE regarding sharing these generalizations with you.

Many of the changes in the recent quality review process were designed to assist projects in strengthening their internal organization and program planning.

The fact that projects need assistance in such areas is not questioned. We are only ready, willing to accept assistance which will help us strengthen and improve our projects to improve our programs and services.

However, without concerted efforts by the Office of Indian Education to provide for continuous, periodic and timely flow of information, as well as consistent assistance together with more adequate systematic data collection which can be successfully managed by all projects, whether \$11,000 projects or \$900,000 projects, such as the one which I operate.

The inclusion of specific and measurable objective timelines were affected by delays in funding, and flexible plans for external project evaluation will not provide sufficient data base for an effective impact study.

It must be remembered that all of the elaborate improvements are currently 3 months behind in program implementation at this particular point in time. I have listed for you those generalizations, which I chose to share.

Basically, they include a policy of inclusion within the intent and within the definition of the act itself. We call for active roles and responsibilities for technical advisory panels within those contracts.

We are asking that there be a broad scale effort for the recruitment of Indian expertise. We are asking that the base for input, communications and dissemination of information be expanded to as many Indian organizations, associations, agencies, whether they be State, local, regional or national.

I have also shared with you a copy of the grant award letter, which I received yesterday, and I would like to react to that now, if I may.

If you have that available to you, you will notice the two cultural enrichment trips which were programed in our fiscal 1980 project.

Mr. KILDEE. Could we have a copy of that?

Ms. WOODS. I gave one to Scherri. I gave her about 10 copies.

Mr. KILDEE. We will include it in the record.

[The information referred to above follows:]

DEPARTMENT OF EDUCATION  
GRANT AND PROCUREMENT MANAGEMENT DIVISION  
WASHINGTON, D.C. 20202  
NOTIFICATION OF GRANT AWARD

*Rec'd 9/2/80 FAX*

|  |  |                                     |
|--|--|-------------------------------------|
| 1. GRANTEE NAME AND ADDRESS:<br><br>ROBESON COUNTY BOARD OF EDUCATION<br>ROBESON COUNTY SCHOOL DISTRICT<br>PO BOX 1328<br>LUMBERTON NC 28358 | 3. PROPOSAL TITLE:<br><br>INDIAN EDUCATION TITLE IV, PART A, FY 80 | 6. GRANT NUMBER: NO08000324         |
| 2. MAKE CHECKS PAYABLE TO:<br><br>SAME AS ABOVE  | 4. AMOUNT OF AWARD:<br><br>\$936,337                               | 7A. CRS ENTITY #: 1-588001104-A1    |
|  | 5. PERIOD OF AWARD:<br>FROM 08/14/80 THROUGH 06/30/81              | 7B. DOCUMENT #: NO08000324          |
|  |  | 7C. PROJECT NUMBER: 534AM00330      |
|  |  | 8A. GRANT AWARD IS NEW              |
|  |  | 8B. PAYMENT METHOD: E.O. DIRECT PAY |
|  |  | 8C.                                 |

9. THIS GRANT IS SUBJECT TO:

- A. THE AMOUNT OF THE GRANT AWARD AS SHOWN IN BLOCK 4 ABOVE. ALL ALLOWABLE COSTS MUST BE INCURRED WITHIN THIS BUDGET PERIOD AS SHOWN IN BLOCK 5. CARRYOVER FUNDS ARE NOT AUTHORIZED.
- B. (FOR MULTI-YEAR AWARDS ONLY) THE APPROVED PROJECT PERIOD OF THIS GRANT IS 34 MONTHS. THIS AWARD REPRESENTS THE FIRST 10 MONTH BUDGET PERIOD (BLOCK 5) OF THE APPROVED PROJECT PERIOD.
- C. THE FOLLOWING ARE INCORPORATED INTO THIS AWARD BY REFERENCE:  
(1) THE OBJECTIVES, ACTIVITIES, BUDGET ITEMS AND OTHER ASSURANCES GIVEN IN THE APPLICATION AS APPROVED.  
(2) THE APPLICABLE PROVISIONS OF 45CFR188, 188A OF THE INDIAN EDUCATION ACT REGULATIONS.  
(3) THE APPLICABLE PROVISIONS OF 45CFR100A, THE EDUCATION DIVISION GENERAL ADMINISTRATIVE REQUIREMENTS (EDGAR).  
(4) ATTACHMENT A OF THIS DOCUMENT.  
(5) ATTACHMENT B OF THIS DOCUMENT IF CHECKED IN THE FOLLOWING BOX ☒.
- D. UNLESS SPECIFICALLY APPROVED IN THE APPLICATION, THE FOLLOWING ARE NOT ALLOWED UNLESS APPROVED ACCORDING TO THE AMENDMENT PROCEDURE CITED IN EDGAR: 45CFR100A, APPENDIX B, SUBPART L, 74.102-105(B).  
(1) TRAVEL OUTSIDE OF THE SERVICE AREA.  
(2) CONSULTANTS.  
(3) EQUIPMENT RENTAL OR PURCHASE.
- E. THE SECRETARY RESERVES THE RIGHT TO TAKE SUCH ACTION AS IS DEEMED NECESSARY TO PROTECT THE INTEREST OF THE UNITED STATES GOVERNMENT IF REPRESENTATIONS MADE IN CONNECTION WITH THE APPLICATION ARE INCOMPLETE OR INCORRECT IN ANY MATERIAL RESPECT OR IF THE TERMS OF THIS GRANT HAVE NOT BEEN OR WILL NOT BE ACHIEVED.

*Multi-year, 34 months.*

|   |                            |
|---|----------------------------|
| 10. GRANT AUTHORITY: INDIAN EDUCATION ACT P.L. 92-318 AS AMENDED<br>CFDA: 12.554A | PROGRAM SPECIALIST:        |
| APPROPRIATION<br>9100101  | ALICE FORD<br>80231        |
| FY & CAN<br>80 E000450  | PHONE NUMBER: 202-245-9159 |
| OBJECT CLASS<br>4115  |                            |
| AMOUNT<br>\$936,337   |                            |
| 11. NAME OF GRANTS OFFICER:<br>GERALD GIPP  | 12. DATE:<br>AUG 2 1980    |
| SIGNATURE OF AUTHORIZED GOVERNMENT OFFICIAL:<br><i>Gerald Gipp</i>                |                            |

ATTACHMENT A  
INDIAN EDUCATION, TITLE IV, PART A  
FY 80

SPECIAL GRANT TERMS AND CONDITIONS

Grant Payment Schedule

Payments under this award will be made available by Treasury Check issued through the Department of Education Finance office. Payments will be made according to the following schedule:

Awards of \$50,000 or less will be issued in one payment upon grant award.

Awards of \$50,001 to \$100,000 will be issued in two equal payments; first payment upon award, second payment at the beginning of January.

Awards of \$100,001 and above will be issued in four equal payments; upon award and at the beginning of October, January and April.

The Office of Indian Education may administratively hold a grantee's payment for failure to submit required reports or application requirements. (45CFR100, Appendix B, Subpart M 74.113(b))

Grant Reporting Requirements

Grant recipients are required, as a condition of their award, to make a final performance and financial status report within 90 days after the completion of their project period or in the case of multi-year awards, within 90 days after the completion of each budget period.

The final performance report shall consist of a report of programmatic accomplishments on a report format prescribed by the Office of Indian Education and a copy of the independent evaluation of the project.

Submit an original and one copy of the performance and financial reports. Please ensure that the signature of the proper LEA official of the grantee appears on these reports.

Grant Amendment Requirements

Regulations governing programmatic and budgetary changes may be found in EDGAR, 45CFR Appendix B, Subpart L, 74:102-105(b).

All amendment requests must be submitted in writing at least 30 days prior to planned implementation of the requested amendment. Amendment requests must be signed by both the official LEA representative and the parent committee representative. Tribal controlled schools are exempt from the parent committee requirements.

## ATTACHMENT B

INDIAN EDUCATION, TITLE IV, PART A  
FY 1980GRANTEE: Robeson County NUMBER: 324

RESPOND ONLY TO THOSE CONDITIONS THAT ARE CHECKED:

- ☐ Our review of your application revealed deficiencies as listed below. An amendment to correct these deficiencies must be submitted within 60 days of the date of this award.

- ☒ Our review of your application revealed that it proposes unauthorized activities and/or costs that are not reasonable and necessary, or contains insufficient information to make this determination. The following deficiencies must be corrected within 60 days of the date of this award. (45CFR186a.30(b)(1)(i) and (ii))

1. No funds may be spent for the Research Trips to Washington, D.C. and New York. We do not find these trips reasonable or cost effective.
2. Consultants that serve as resource speakers, workshop coordinators, etc. cannot serve on the team to monitor and evaluate the program. They would not be independent of the project. Please indicate which capacity Mrs. Schiebeck and Dr. Karpur will serve.
3. The number of persons budgeted to attend out-of-area workshops and conferences are excessive and not reasonable.

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BEST COPY AVAILABLE



No funds may be expended for out-of-area travel until the numbers attending have been reduced and submitted for approval. We recommend the number of attendees as follows:

- a) NIEA - 3 staff + 3 P.C.
- b) Title IV - 3 staff + 3 P.C.
- c) Brigham Young, Provo, Utah - 4 staff
- d) N.C. Unity Conference - 10 staff + 5 P.C.
- e) N.C. Consortium (2 meetings) 5 P.C. each

4. Please rebudget the excess funds into other categories and submit for approval.

Ms. Woods. We were told two cultural enrichment trips which we proposed directly related to program components. One in art and one in research skills developed were unauthorized due to lack of cost effectiveness. One of these trips costed out at \$160 per student. The other costed out at \$170 per student.

While our entitlement is based on \$107.30 for the fiscal 1980 year, I would refer you to a statement by Kirp and Yudof in 1974, in evaluating the other compensatory education programs that one-half of State and local expenditures would be appropriate for meaningful programs and services through Federal programs.

Based on our State and local expenditure at better than \$1,000, this would base out at about \$5.50 per student.

I say to you and to this committee that \$160 and \$170 per student certainly appears cost effective to me based on previous research of compensatory educational programs. If we are to measure impact, then cost effectiveness must also take into consideration the level of needs, the amount of funds available and the types of programs and services needed to make an impact.

Again, I want to make my position clear that we are here today advocating for participatory governance on the part of Indian people at as many levels of government they can gain access. That is the intent of our testimony.

We solicit your cooperation in helping us to insure that this becomes a retaliatory Indian people.

Mr. KILDEE. Now we will have Ms. Chavis testify.

STATEMENT OF AGNES CHAVIS, CHAIRPERSON, NORTH CAROLINA CONSORTIUM ON INDIAN EDUCATION, PEMBROKE, N.C.

Ms. CHAVIS. I am Agnes Chavis, chairperson of the North Carolina State Consortium on Indian Education.

I am a classroom teacher with 30 years' experience in elementary education, special education and reading. I am also a member of the American Indian/Alaskan Native Caucus of the National Education Association, a member of the minority affairs committee of NEA, and a member of the steering committee of the recently formed Inter-organizational Alliance on Indian Education. But first of all I am an Indian mother, an Indian grandmother, and I serve on a title IV project.

I would like to share with you a copy of the educational issues and concerns which were drafted by the consortium in response to a request by the North Carolina State Commission of Indian Affairs for their coordination with the North Carolina State Department of Public Instruction, as well as a response to these issues and concerns from the State Department.

Both are appended to my written testimony. I believe that these two position papers will set the tone for our stance in Indian education in North Carolina.

The North Carolina State Consortium on Indian Education requested and received 19 quality review notices from North Carolina grantees, for the purpose of reviewing the comments and deficiencies for the fiscal year 1980 project applications.

Appendices C and D list for you the questions which we have formulated with regard to the fiscal year 1980 quality review process.

As a result of this review, we feel that:

One, the fiscal year 1980 quality review process reflects nullification of the roles and responsibilities of title IV part A parent committees in identifying needs, approving needs assessment procedures, and establishing program priorities for program design;

Two, the fiscal year 1980 review comments reflect arbitrary and unpredictable capricious decisions and opinions without the benefit of statutory reference and general counsel opinions and rulings; and

Three, the fiscal year 1980 review comments reflect numerous inconsistencies in reviewing the North Carolina project applications.

In addition, the fiscal year 1980 funding cycle was most inconvenient to school districts, title IV part A project staff and parent committees. Some districts did not employ project staff during the time which required response to the quality review. Many parent committees were hastily called together to decide on superimposed revisions and changes, and in our own project area, our meeting lasted 4 hours in order to establish a quorum of the committee.

Such untimely scheduling cannot provide for the quality of program planning and development that the Indian community expects of title IV part A programs.

To add to this confusion, our project directors and coordinators have not been able to discuss with us in subsequent meetings what we can expect in terms of programs and services in the 1980-81 school year because they have received no information as to the status of either their grants or the acceptance of the project response to the quality review.

Ms. Woods did receive it yesterday, but when I wrote this, she had not.

Not only are the project staff awaiting recall, but LEA's are also in a quandry as to what is exactly taking place, not to mention the questions being raised in the Indian community.

It is the position of the North Carolina State Consortium on Indian Education that Indian people are capable and can successfully manage their roles and responsibilities in Indian education.

Some of us have made more progress than others in gaining access into the LEA's, and we cannot afford such confusion and distraction to impede our progress. It must at all times be remembered that Indian education is a priority for Indian people and not necessarily a priority for LEA's. Therefore, we must maintain a responsible and active role in title IV part A programs.

Roadblocks, unnecessary hurdles and untimely and lengthy delays only reflect on our honesty, integrity, and our ability to accept our responsibility, and often reflect on the capability and honesty and integrity of our title IV part A project staff, as perceived by other LEA personnel and officials and also reflects on the Indian community as a whole.

One project in North Carolina was unable to submit their project application in accordance with the deadline due to overlapping of the title IV deadline with the title I deadline, and needless to say, title I received priority.

The unfortunate part of this problem is that this project serves Qualla Boundary Reservation Indian students and the title IV staff member was the only Indian employed in the school district.

Needless to say, the Indian community is upset and reflecting the blame on the LEA, resulting in a turnaround of intent to establish effective relationships with the Indian community and the LEA, and resulting in a relationship which must now be completely reestablished if at all possible.

Perhaps the greatest point to be made in my testimony is that of the overlooked need for Indian education programs and services to our Indian children. While all of these problems, delays and lack of clarification have been time consuming, we have been diverted to concentration of efforts on the improvement of educational opportunities and educational programs for our children.

While some projects were permitted to operate summer programs through extensions, others were not due to the delay in the fiscal year 1980 funding cycle, and even those who did were not able to do the best job due to such diversions as delays, lengthy responses and the necessity for changing, revising and scheduling summer meetings.

Not only has the quality of our title IV part A summer programs been affected, but equally so have been the pre-planning and scheduling of programs and services consistent with 1980-81 school calendars.

In the Indian community, we can only look at such diversion as a roadblock to our progress, a way to turn us around and a way to begin successive studies and evaluations when we are at our weakest.

We hope that during the forthcoming title IV part A impact study, equal consideration will be given to these problems in evaluating the effectiveness of our involvement and our projects.

Mr. Chairman and members of this committee, I appreciate the opportunity to testify on behalf of the North Carolina State Consortium on Indian Education. Several appendices to my written testimony indicate how we sought answers to some of the problems facing the title IV part A programs at various levels.

Our concern as parents is for the future of our children. We seek from the U.S. Congress and the Office of Indian Education the policy, procedures and practices which will truly be responsive and timely from the national to the local levels.

Thank you.

[The prepared testimony of Agnes H. Chavis follows:]

PREPARED TESTIMONY OF AGNES H. CHAVIS, CHAIRPERSON, NORTH CAROLINA  
CONSORTIUM ON INDIAN EDUCATION

MR. CHAIRMAN -

I am Agnes Chavis, Chairperson of the N.C. State Consortium on Indian Education, a private, non-profit organization chartered by the State of North Carolina whose membership is comprised of Indian parents, Indian educators, and Title IV Part A Parent Committee members who either currently serve or have served on Title IV Part A Parent Committees. Our current membership is 227 members representing twenty-five (25) FY 79 Title IV Part A grantees in North Carolina.

The Consortium was born of the need for Title IV Part A grantees to share and exchange ideas and information as well as their knowledge and skills which could be utilized in addressing statewide problems, issues and needs of Indian children enrolled in the public schools in North Carolina.

Our Executive Officer include myself as Chairperson, Lumbee; James B. Sanders, Vice-Chairperson, Cherokee - Qualla Boundary Reservation; Charlene Jacobs, Secretary, Coharie, and Zelma Locklear, Treasurer, Lumbee. Organized in 1978 and chartered by the State of N.C. in 1979, we have held quarterly meetings throughout the state focusing on leadership development and capacity building for parent committee members; issue-oriented workshops; meetings designed to foster communications and interchange for promoting statewide efforts. We have also prepared and submitted testimony to the National Advisory Council on Indian Education, at field hearings on Title IV Part A Rules and Regulations, and at the recent field hearings on the "Definition of Indian Study."

As a personal note, I am a veteran classroom teacher specializing in elementary education, special education and reading with 30 years experience in teaching in the public schools in Robeson County. I am a member of the American Indian/Alaska Native Caucus of the National Education Association and this year was elected as a member of the Minority Affairs Committee of the same organization, and serve as a member of the Steering Committee of the recently formed Inter-organizational Alliance on Indian Education.

I should like to share with you a copy of the Educational Issues and Concerns which were drafted by the Consortium in response to a request by the N.C. State Commission of Indian Affairs for forwarding to the N.C. State Department of Public Instruction. (Refer to Attachment A.) This position paper will indicate to you the scope of the interests and efforts in the area of Indian education. I am also sharing with you the response to these issues and concerns from the N.C. State Department of Public Instruction (Refer to Attachment B) which will set the tone for our stance in North Carolina.

As part of our mission through the Consortium and in fulfilling our responsibilities as members of Title IV Part A parent committees, we requested an opportunity to review the FY 80 Title IV Part A Deficiency Notices for the N.C. grantees. Nineteen (19) grantees provided us with copies of their Quality Review Notices for this review. During this review, close analysis was made of the Title IV Part A Rules and Regulations and EDGAR as they applied to the comments requiring response by the Quality Review Notice. As a result of this review, we analyzed those areas which solicited comments and also raised several issues of concern (Refer to Attachments C and D).



As a result of this review process conducted by the N.C. Consortium on Indian Education, we feel that the FY 80 Quality Review Process has resulted in the following:

- (1) Action which abrogates the roles and responsibilities of Title IV Part A Parent Committees in identifying needs, approving the needs assessment, and establishing program priorities for program design;
- (2) Arbitrary and capricious decisions and opinions without the benefit of statutory reference and general counsel opinions and rulings to substantiate these decisions and opinions;
- (3) Inconsistencies in the review of FY 80 project applications in questioning some areas in certain projects and not questioning the same areas in all projects.

As members of Title IV Part A Parent Committees, we are deeply disturbed that our roles and responsibilities have been strengthened through the Title IV Part A Rules and Regulations but have been defeated in the Quality Review Process. If we are to serve as representatives in our local communities and to exercise these responsibilities, they must be respected in the total process of planning for Indian Education programs and services. Most of us serve at our own expense and our own time, and none of us are economically independent to the extent that we have such time to waste if we are to serve no useful and viable purpose. Such action also negates what we have been told in Technical Assistance Conferences and National Indian Education Conferences regarding our control of the types of programs and services to be provided through Title IV Part A programs in order to meet our local community needs and the best programs and services for our children.

The FY 80 funding cycle was most inconvenient to school districts, Title IV Part A Project Staff and Parent Committees. Some districts did not employ project staff during the time which required response to the Quality Review; many parent committees were hastily called together to decide on superimposed revisions and changes, and in our own project area, our meeting lasted four hours in order to establish a quorum of the committee. Such untimely scheduling cannot provide for the quality of program planning and development that the Indian community expects of Title IV Part A programs. To add to this confusion, our project directors and coordinators have not been able to discuss with us in subsequent meetings what we can expect in terms of programs and services in the 1980-1981 school year because they have received no information as to the status of the grants. Not only are project staff awaiting re-call, but LEAs are also in a quandary as to what is exactly taking place, not to mention the questions being raised in the Indian community.

Having explored several sources for additional clarification, on July 25, 1980 after having received some instruction in the use of EDGAR at a Regional Hearing on EDGAR, the Consortium forwarded a letter of inquiry to the Atlanta Region IV Office concerning the Title IV programs. I might add that we thought this was a new avenue for increasing the awareness of the Regional Office as to the existence of both Indians in the region as well as educational program services for Indians in the region. A copy of the letter of inquiry is appended hereto (Attachment E). I might also add that we quickly received a response from the Regional Office indicating that they had received our material and would pursue further clarification, the first indication that we had received in reference to our dilemma.

It is the position of the N. C. State Consortium on Indian Education that Indian people are capable and can successfully manage their roles and responsibilities in Indian Education. Some of us have made more progress than others in gaining access into the LEAs and we cannot afford such confusion and distraction to impede our progress. It must at all times be remembered that Indian Education is a priority for Indian people and not necessarily a priority for LEAs, therefore, we must maintain a responsible and active role in Title IV Part A programs. Roadblocks, unnecessary hurdles, and untimely and lengthy delays only reflect on our integrity and our ability to accept our responsibility, and often reflect on the capability and integrity of our Title IV Part A project staff as perceived by other LEA personnel and officials and also reflects on the Indian community as a whole. One project in North Carolina was unable to submit their project application in accordance with the deadline due to overlapping of the Title IV deadline with the Title I deadline, and needless to say, Title I received priority. The unfortunate part of this problem is that this project serves Qualla Boundary Reservation Indian students and the Title IV staff member was the only Indian employed in the school district. Needless to say, the Indian community is upset and reflecting the blame on the LEA, resulting in a turnaround of intent to establish effective relationships with the Indian community and the LEA, and resulting in a relationship which must now be completely re-established if at all possible.

Perhaps the greatest point to be made in my testimony is that of the overlooked need for Indian Education programs and services to our Indian children. While all of these problems, delays and lack of clarification have been time-consuming, we have been diverted to concentration of efforts on the improvement of educational opportunities and educational programs for our children. While some projects were permitted to operate summer programs through extensions, other were not due to the delay in the FY 80 funding cycle, and even those who did, were not able to do the best job due to such diversions as delays, lengthy responses, and the necessity for changing, revising and scheduling summer meetings. Not only has the quality of our Title IV Part A summer programs been affected, but equally so have been the pre-planning and scheduling of programs and services consistent with 1980-1981 school calendars.

In the Indian community, we can only look at such diversion as a roadblock to our progress - a way to turn us around and a way to begin successive studies and evaluations when we are at our weakest. We hope that during the forthcoming Title IV Part A Impact Study, equal consideration will be given to these problems in evaluating the effectiveness of our involvement and our projects.

I wish to express my appreciation on behalf of the N.C. State Consortium on Indian Education for the opportunity to present testimony to this distinguished Committee, and to encourage your support and assistance in providing us with further clarification and direction regarding the issues and problems which we have identified and thereby allow us to get on with the business of improving the education of our Indian children.

## ATTACHMENT A

NORTH CAROLINA CONSORTIUM ON INDIAN EDUCATION  
Post Office Box 666  
Pembroke, North Carolina 28372

EDUCATIONAL ISSUES AND CONCERNS IN NORTH CAROLINAAREA I - IMPROVEMENT OF INSTRUCTION

Statewide remediation programs for competency testing should include the dynamics of testing as well as the practical bodies of knowledge encountered on the N.C. Competency Test.

A special effort should be made to analyze the cultural bias for Indian students on the N.C. Competency Test.

An ongoing program of the practical aspects of learning required to contribute to the overall development of well-rounded citizenship and knowledge should be incorporated at the junior high school level.

AREA II - DEVELOPMENT OF INDIAN AWARENESS

A coordinated effort between the Social Studies, Teacher Education and Indian Education Divisions should provide in-service and staff development sessions for LEA Administrative Teams who service highly populated Indian communities to develop and create an awareness of the special needs and problems of Indian students.

The N.C. State Department of Instruction should institute within the college and university system opportunities for staff in-service and professional development courses designed to develop and create an awareness of the special needs and problems of Indian students, and the diversity of culture, values, heritage and lifestyles brought to the public school classroom by Indian students.

In-service and professional development opportunities designed to develop and create Indian Awareness should be provided for public school personnel with appropriate subsidies including tuition and renewal credits.

Indian Awareness and the special needs and problems of Indian students should be incorporated into meetings and conferences sponsored by the N.C. State Department of Public Instruction which relate to members of the LEA Administrative Teams.

In-service and professional development opportunities should also be designed for administrators and staff of the N.C. State Department of Public Instruction to assist them in improvement of educational services for Indian students in public schools in North Carolina.

### AREA III - CURRICULUM DEVELOPMENT AND MODIFICATION

Consultant services are needed from the Division of Social Studies to assist LEAs in the development of multicultural studies to help transform inter-ethnic and inter-racial relationships in the schools into valuable intercultural experiences.

The Division of Social Studies should become actively involved with Title IV, Part A LEAs in promoting and providing both technical assistance and financial resources in the development of local Indian history curriculum materials.

The North Carolina Consortium on Indian Education should be represented by membership on the N.C. State Textbook Commission, and this organization should have an opportunity to participate in review and evaluation of curriculum materials and to make recommendations for inclusion of relevant and meaningful Indian history curriculum.

### AREA IV - PROGRAM DEVELOPMENT

The North Carolina State Department of Public Instruction should provide assistance in the development of educational programs specifically designed to meet problems of absenteeism, high drop-out rates, low percentages of students continuing post-secondary education, and communication problems experienced by Indian students. Such assistance should provide demonstration and exemplary projects and programs in communities with a high population of Indian students, with sufficient documentation for expanding successful programs and activities.

### AREA V - INCREASED PARTICIPATION AND INVOLVEMENT OF INDIAN COMMUNITY

The North Carolina Consortium on Indian Education, a statewide organization of Indian parents, Indian educators and Indian students, should be recognized by the N. C. State Department of Instruction and the N. C. State Board of Education as a viable and integral part of the total planning process for Indian Education in the public schools.

The organizational goals and recommendations of the North Carolina Consortium on Indian Education should be recognized as the vehicle for direct input from the Indian community into recommendations and advice for Indian Education within the public schools and as an advisory group to the newly created Division of Indian Education.



#### AREA VI - TECHNICAL ASSISTANCE AND CONSULTANT SERVICES

Technical assistance and consultant services are needed in the following areas:

- A) Identification of North Carolina Indian history materials and the inclusion of these materials on state-recommended lists for purchase by school media centers;
- B) Resource lists of additional funding sources to LEAs with significant Indian student enrollment to impact special educational opportunities for Indian students;
- C) Administrative support and technical assistance to LEAs in making application for special educational programs for Indian students in those areas where no programs currently exist;
- D) A higher level of administrative support and involvement by the Division of Research of the N. C. State Department of Instruction in data collection and analysis for effective needs assessment of the educational needs of Indian students enrolled in public schools - including, but not limited to, statistics relative to Indian student rate of drop-out, absenteeism, standardized achievement and competency test scores - and computerized analysis for providing assistance to programs servicing Indian students.

#### AREA VII - PROMOTION OF INDIAN EMPLOYMENT

School systems with a significant Indian student population should be encouraged to employ Indian teachers, counselors, and administrators. Employment of Indian personnel should also be encouraged within the N.C. State Department of Public Instruction. Opportunities for internship programs should be publicized and disseminated to Indian communities to provide access for Indian personnel to obtain additional experience and training within the N.C. State Department of Public Instruction.

Job listings and available employment opportunities should be filed with the N.C. Commission of Indian Affairs and appropriately disseminated to Indian communities in North Carolina.

AREA VIII - STATE MEETINGS AND CONFERENCES

The N.C. State Department of Public Instruction should provide funding for a minimum of two statewide conferences for Indian parents and Indian educators to discuss needs and problems of Indian students enrolled in the public schools, and to provide technical assistance to both LEA personnel and Indian Education personnel in Title IV Indian Education project management and administration.

Federal grants workshops which are currently offered for LEAs does not provide substantive training and technical assistance for Title IV Indian Education personnel, due to unique laws governing Title IV Indian Education programs.



State of North Carolina  
 Superintendent of Public Instruction  
 Raleigh 27611

MAY 21 1979

ATTACHMENT B

May 21, 1979

A CRAIG PHILLIPS  
 SUPERINTENDENT

Mr. Jim Lowry, Chairman  
 North Carolina Commission of  
 Indian Affairs  
 Heart of Raleigh Building  
 Raleigh, NC 27611

Dear Mr. Lowry:

Mrs. Betty Mangum, director of the Division of Indian Education for the Department of Public Instruction has shared with me the position paper presented to your Board by the North Carolina Consortium of Indian Education.

We realize that you have taken no official action as a Board on the issues and concerns raised in the paper. However, we have provided for full discussion of these issues at a regular meeting of our Executive Staff, and I felt that a response from me would be in order even prior to your final adoption of priorities and goals for the education of Indian youth.

Area I of the concerns addresses the improvement of instruction. We support each of the three components of this concern. Efforts are already underway to address each of these issues.

Area II proposes the development of Indian Awareness. The coordinated effort between the Social Studies, Teacher Education and Indian Education Divisions is well underway. One visible indication of this effort will be available by September in the form of a brochure designed to provide classroom teachers with pertinent information on facts and resources to be used in teaching the culture and history of North Carolina's Indian people. This is but a first step toward one of the major objectives which led to our creation of the Division of Indian Education.

We are presently working with the colleges and universities in a joint effort to improve teacher education. One need which has been identified is that of

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teachers' awareness of cultural diversity. We feel that this awareness accompanied by skills and techniques for teaching in a culturally diverse setting are essential competencies for all teachers.

Each of the several divisions in the Department of Public Instruction which provides staff development to public school personnel is charged with the responsibility of building its workshops on the assumption that the student population served will be multi-cultural, including Indian children. Betty Mangum will offer assistance to the other divisions and will continue to stimulate awareness of the need to include materials and subject matter relevant to Indian children throughout the curriculum.

Area III addresses curriculum development and modification. The item regarding the involvement of the Division of Social Studies to assist LEAs in developing multi-culture materials and programs has merit and will receive additional stress from my office as a priority. The lead responsibility for helping to transform inter-ethnic and inter-racial relationships into valuable cultural experiences has been assigned to the Division of Human Relations. That is its single purpose for existence. We welcome your suggestions to that division on ways by which it may more effectively carry out this function.

The North Carolina State Textbook Commission operates independently and the criteria for its membership is established by law. However, its operating procedure does provide for a wide range of possibilities for advisory involvement.

Area IV speaks to one of our most difficult tasks. We agree upon the need to address the problems of absenteeism, high dropout rates and the low percentage of Indian students continuing their education beyond high school. These are among the most difficult problems for which to provide a structure that effectively produces improvement. We welcome suggestions of ways to create such a structure.

Area V concerns increased participation and involvement. We feel strongly that more direct involvement by Indian people is needed in planning, not only the process for Indian Education, but for the total education program. I would be reluctant to endorse the North Carolina Consortium on Indian Education as the vehicle for direct input from the Indian community. Such an endorsement could be interpreted as an attempt to exclude input from individuals and other groups who might also raise legitimate issues with which my office must deal. I would hope that the Consortium would maintain close ties with our staff and would continue to raise issues which should be brought to our attention.

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Area VI addresses a list of activities which are already written into the program plan of the Division of Indian Education. We welcome your support for these activities.

Area VII addresses the promotion of Indian employment. We support this concept and would expand it to recommend that Indian personnel should also be recruited in communities where few or no Indians are presently living. We feel that positive role models can help to eliminate negative stereotypes which are founded on lack of multi-cultural experiences.

Area VII raises the concern for providing a forum on which Indian parents and teachers might discuss issues and problems peculiar to Indian students. We agree that a forum is needed, but we question whether a statewide meeting would most effectively provide such an opportunity for the typical Indian parent. We would be willing to explore the concept further and to work toward providing the most effective vehicle possible for generating input from Indian parents.

In summary, I feel that the suggestions set forth by this Consortium have already served a useful purpose in providing our staff with an instrument to direct its thinking and discussion of issues deemed important by Indian people. We look forward to receiving your completed and adopted statement.

In a letter written by Dudley Flood to the Consortium last year, we invited its leadership to meet with members of our staff to discuss such issues as it might desire to share with us. I wish now to renew that invitation to you or members of the Consortium. We welcome your cooperation in this very important endeavor.

Sincerely,



A. Craig Phillips  
State Superintendent of Public Instruction

ACP/jp

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## ATTACHMENT C

The following chart depicts necessary action required of FY 80 N.C. grantees by response to Quality Review. Upon close analysis of the Quality Review comments, there are obvious discrepancies and inconsistencies in Quality Review comments. Fifteen (15) of the grantees collectively worked as a group to discuss and develop FY 80 project applications, and much of the same format was used. However, some projects were questioned about areas while other projects were not questioned about the same areas. Other specific inconsistencies include:

- 1) Objectives were developed which addressed the Quality Review comments but were required to be revised in a new format;
- 2) Six (6) projects were required to react to administrative plans after having been directed by application forms that organization charts could be utilized. In one project, a QR comment actually directed the restructuring of an organization chart to indicate parent committee lines of responsibility to school principals;
- 3) Many QR comments indicated that reviewers did not adequately read the narrative section for clarification;
- 4) QR comments regarding parental costs were not consistent for all projects with such components;
- 5) One QR comment actually recommended levels for achievement of Title IV participants;
- 6) Excessive response for detailing field and resource trips affected the flexibility of projects to provide for opportunities for enriched experiences as they occur during the project year;
- 7) QR comments questioned the impact of positive self-image, ethnic identity and group pride, factors which are real psychological needs of Indian students in North Carolina representing a lack of reviewer sensitivity to unique needs and problems of Indian children in North Carolina;



- 8) QR comments also represented a lack of sensitivity in questioning field trips to urban locations with high concentration of Indians from local N.C. communities, and
- 9) There were repeated instances of acceptance for some but non-acceptance for others, placement of restrictions on some projects without such restrictions on other projects for the same or similar activities.

Note: Copies of the nineteen (19) QR Notices reviewed have not been duplicated due to prohibitive costs, however, further review of records should be available in the Office of Indian Education.

# SUMMARY OF QR COMMENTS

## N.C. Projects

|                                  | Requirement of<br>CDE 74.3 Ind. Pref. | Detailed budget<br>breakdown | Revised measurable<br>objectives | Needs<br>assessment | Criteria for<br>multi-year funding | Evaluation | Travel | Supplementing | Plan for<br>Administration | Consultants | By-laws | Unauthorized<br>Activities | Comparisons with<br>Title I | Questioned<br>Parental Costs | Parent Committee<br>Involvement | Questioned/<br>Disallowed P. Trips | Parent Committee<br>Expenses | Disallowed<br>Activities |
|----------------------------------|---------------------------------------|------------------------------|----------------------------------|---------------------|------------------------------------|------------|--------|---------------|----------------------------|-------------|---------|----------------------------|-----------------------------|------------------------------|---------------------------------|------------------------------------|------------------------------|--------------------------|
| 1. <u>Simpson County</u>         |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 2. <u>Clinton City</u>           | ✓                                     | ✓                            | ✓                                | ✓                   | ✓                                  | ✓          | ✓      | ✓             |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 3. <u>Halifax County</u>         |                                       |                              | ✓                                |                     | N/A                                | ✓          | ✓      |               | ✓                          |             |         |                            |                             |                              |                                 |                                    | ✓                            | ✓                        |
| 4. <u>Warren County</u>          |                                       | ✓                            | ✓                                |                     |                                    |            |        |               |                            |             | ✓       |                            |                             | ✓                            |                                 | ✓                                  |                              |                          |
| 5. <u>Columbus County</u>        |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 6. <u>Cumberland County</u>      | ✓                                     | ✓                            | ✓                                | ✓                   |                                    | ✓          | ✓      |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 7. <u>Harnett County</u>         |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 8. <u>Hoke County</u>            |                                       |                              |                                  | ✓                   |                                    | ✓          |        |               |                            | ✓           | ✓       |                            |                             |                              |                                 | ✓                                  |                              |                          |
| 9. <u>Moore County</u>           |                                       | ✓                            | ✓                                |                     | N/A                                | ✓          |        |               | ✓                          | ✓           |         |                            | ✓                           |                              |                                 |                                    |                              |                          |
| 10. <u>Richmond County</u>       |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 11. <u>Robeson/Martin</u>        | ✓                                     | ✓                            | ✓                                | ✓                   | ✓                                  | ✓          | ✓      |               |                            | ✓           |         | ✓                          |                             |                              |                                 | ✓                                  |                              | ✓                        |
| 12. <u>Fairmont</u>              | ✓                                     |                              |                                  | ✓                   |                                    | ✓          |        |               | ✓                          |             | ✓       |                            |                             |                              | ✓                               | ✓                                  |                              |                          |
| 13. <u>Lumberton City</u>        |                                       | ✓                            | ✓                                |                     | ✓                                  |            |        |               | ✓                          |             |         |                            |                             |                              | ✓                               | ✓                                  | ✓                            |                          |
| 14. <u>Red Springs City</u>      | ✓                                     | ✓                            |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 | ✓                                  | ✓                            |                          |
| 15. <u>St. Pauls City</u>        | ✓                                     | ✓                            | ✓                                |                     | N/A                                | ✓          |        |               | ✓                          |             |         |                            | ✓                           |                              |                                 | ✓                                  | ✓                            |                          |
| 16. <u>Scotland County</u>       |                                       |                              |                                  |                     |                                    | ✓          | ✓      |               |                            |             | ✓       |                            |                             |                              |                                 |                                    |                              |                          |
| 17. <u>Guilford County</u>       | ✓                                     |                              | ✓                                | ✓                   |                                    | ✓          |        |               |                            |             |         | ✓                          |                             |                              |                                 | ✓                                  |                              |                          |
| 18. <u>Greensboro City</u>       |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 19. <u>High Point City</u>       |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 20. <u>Cabarrus County</u>       |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 21. <u>Charlotte/Mecklenburg</u> |                                       | ✓                            |                                  | ✓                   |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 | ✓                                  |                              |                          |
| 22. <u>Rowan County</u>          |                                       |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 23. <u>Graham County</u>         | N/A                                   |                              |                                  |                     | ✓                                  | ✓          | ✓      |               | ✓                          |             |         |                            |                             |                              |                                 |                                    |                              |                          |
| 24. <u>Jackson County -</u>      | N/A                                   |                              |                                  |                     |                                    |            |        |               |                            |             |         |                            | ✓                           | ✓                            |                                 |                                    |                              | ✓                        |
| 25. <u>Swain County</u>          | N/A                                   |                              |                                  |                     | ✓                                  |            |        | ✓             |                            |             |         |                            |                             |                              |                                 |                                    |                              |                          |

○ Indicates quality review notices reviewed.

## ATTACHMENT D

ISSUES RELATED TO QUALITY REVIEW OF TITLE IV PART A FY 80 GRANTSI. General Issues

- Quality Review Notices were untimely since many projects do not have employed IV-A staff available after June 30.
- Necessary action required by Quality Review Notices required meetings of IV-A Parent Committees for program and budget revisions resulting in difficulty and hardship in securing a quorum of membership to conduct official business.

II. Specific Issues - Quality Review Form

- In some instances, necessary required action included program revisions which abrogated the statutory responsibilities of Title IV Part A Parent Committees in planning educational and culturally-related program and services;
- Decisions and opinions as to allowable activities were rendered without benefit of statutory reference and/or general counsel opinion;
- A program cost guide forwarded to project less than a month prior to the deadline for submitting FY 80 project applications was cited as authority for cost-effectiveness although the cost guide stated that it "did not have the force of law;"
- Inconsistencies in review of applications which commented and required responses to similar items, activities and costs by some projects, but not all projects;
- Comments and required necessary action on items not specifically required in criteria for funding;
- Requirements beyond statutory criteria - i.e. types of methods to be employed in needs assessment; specific categories of persons to be involved in needs assessment; consideration of a wide variety, validity, size and nature of population to be assessed; requirement that project design address assessed needs and prioritized without considering availability of other programs and services to address some of the priorities; consideration of breadth and scope of project objectives; restrictions on culture programs and activities to local heritage, traditions, and values;
- Revised instructions after submittal of FY 80 projects for development of project objectives;
- Requirement of further explanation of plan for administration when technical assistance workshops indicated that organizational charts would be sufficient;
- Disallowance of proposed activities not documented by statutory references and general counsel opinions;
- Requirement to justify multi-year funding on basis of need does not apply to entitlement grants which provide for such documentation of needs by the conduct of a needs assessment;
- Excessive specificity of detailed budget breakdowns which hamper project flexibility and result in excessive budget revisions and unnecessary time lapses in obtaining approval of budget revisions by Office of Indian Education;
- Repeated inference to adequacy of Title I and applicability of Title I programs and services for which many Indian children are ineligible due to socio-economic

criteria for eligibility for participation in Title I programs.

### III. Specific Issues - Program Cost Guide

- Received less than thirty days prior to deadline for submitting FY 80 project applications;
- Necessitated program and budget revisions at the end of the project planning and application process resulting in changes after open public hearings, re-scheduling of Parent Committee meetings, and last-minute planning and revisions without the benefit of the opportunity to seek clarification, statutory reference, and opinions of general counsel;
- Requires that only Indian students be served, which is contrary to Section 503(b) of the Act;
- Restricts culture program and activities to local Indian heritage, traditions and values which in effect changes the statutory regulations as published without the benefit of public hearings and solicitation of testimony in accordance with the General Administrative Procedures Act and also infringes on statutory responsibilities of the Parent Committee to plan and approve activities;
- Interprets pow wows as social activities which are integral aspects of Indian culture and are to be considered as culturally-related activities;
- Disallows business-related expenses such as dinner meetings for the Parent Committee while officially conducting business of Title IV Part A projects;
- Disallows expenses related to project objectives which provide for educational and culturally related activities designed to increase educational opportunities and services to Indian students;
- Completely ignores validity of in-service for continued employment and career advancement of Indian staff and restricts in-service to specific Title IV Part A responsibilities and duties; disallows in-service for teachers and administrators related to Title IV Part A and Indian Education to increase educational opportunities and services to Indian students; questions LMA responsibility to provide technical assistance and in-service to Parent Committee as specified in statutory regulations;
- Disallows student salaries and work-experience programs for Indian students who are not eligible for similar programs through other resources, and
- Fails to provide review on a case by case basis of the needs, programs and services for the diversity of need, circumstances and geographic locations of service populations to be served under the "Definition of Indian" in Section 453.

## ATTACHMENT E

July 25, 1980

Dr. William L. Lewis  
Regional Director for Educational Programs  
Region IV U.S. Department of Education  
Office of Education Programs  
101 Marietta Tower  
Atlanta, Georgia

Dear Dr. Lewis:

The North Carolina State Consortium on Indian Education is a private, non-profit organization chartered by the State of North Carolina and comprised of parents of Indian children, Indian educators, and Title IV Part A Indian Education Project staff and personnel. The Consortium meets quarterly throughout the state and is concerned with problems, issues and needs affecting the education of Indian children enrolled in public schools in North Carolina. Membership in the Consortium represents twenty-five Title IV Part A grantees in the state of North Carolina.

During the public meeting held in Raleigh, North Carolina on the new Education Division General Administrative Regulations (EDGAR), we were advised that your office could assist us in obtaining additional clarification and general counsel opinion on specific problems and issues related to Title IV Part A Indian Education Projects. For your information, enclosed you will find a 1978-1979 listing of Title IV Part A grantees for those southern states served by the Region IV office, however, an updated list can be obtained from the Office of Indian Education.

Some of the issues related to both Title IV Part A Rules and Regulations as well as EDGAR. Mainly, the Quality Review Process for FY 80 project applications were not conducted in accordance with EDGAR 100a.219. In reviewing Quality Review Forms, please note the applicability of EDGAR 100a.515, 516, and 534 and 74.160, in the comments and required action by the Office of Indian Education.

For purposes of review, information and assistance, the following is enclosed herewith:

- Attachment A - Issues related to FY 80 Quality Review Process
- Attachment B - Questions related to FY 80 Quality Review Process
- Attachment C - Copy of Office of Indian Education Quality Review Form
- Attachment D - Questions regarding OIE Program Cost Guide
- Attachment E - Copy of OIE Program Cost Guide
- Attachment F - Copies of N.C. grantee Quality Review Forms - FY 80

Mr. William L. Lewis

July 25, 1980

Your assistance in obtaining further clarification and general counsel opinion will be most appreciated. Expedient handling of these issues might well provide an opportunity for Title IV Part A Indian Education Projects to avoid legally binding arrangements with revised projects necessitated by the Quality Review Process and provide for negotiation of FY 80 grants based on original project applications.

We appreciate the opportunity to share these concerns with your office, and look forward to your response.

Sincerely,

*Agnes H. Chavis*  
Agnes H. Chavis, Chairperson

AHC/jl

Attachments



Mr. KILDEE. I have a few questions, first to Ms. Woods. You said you received your grant award letter yesterday?

Ms. WOODS. Yes, sir.

Mr. KILDEE. Were you told in your grant note financing there would be conditions that had to be met or was it unconditional?

Ms. WOODS. That grant award letter says that it proposes unauthorized activities, costs that are not reasonable and necessary, must be corrected within 60 days from the date of this award.

Mr. KILDEE. So it was conditional. What were the conditions again?

Ms. WOODS. No funds may be spent for research trips to Washington, D.C. and New York. The trip to Washington was for student research at the Smithsonian and the National Archives.

The trip to New York was to the American Indian Museum for students participating in art components. In other words with the program cost guide these trips were directly tied in and related to the participants in the program components. They said they are not reasonable or cost effective. I cited for you some previous research of compensatory education programs in terms of determining cost effectiveness, which was done in 1974 and I would assume should the same research be done today you would find that cost increasing.

Mr. KILDEE. Have you decided yet how you intend to reply to those conditions? You have 60 days. You do not have to respond now.

Ms. WOODS. I have to reply—it says I have to react to them.

Mr. KILDEE. I will not ask you to rush those 60 days if you do not care to reply now.

Ms. WOODS. I think the problem is if we can get some clarification on whether or not parent committees have the authority to decide what kind of programs they want and how much authority OIE has in saying this is allowable or not allowable, when cultural enrichment trips and resource activities are provided for in the law, then I think that will address itself. We ran into a similar situation when they required the signing of the OE 743 Indian preference form. We had some indication that that would not be required of nonfederally recognized Indians. However, when they came out we were required to submit it. Those of us who chose not to submit it and indicated we are awaiting the final rules and regulations still received a quality review requiring it of us. That is in direct contradiction with the rules and regulations.

Mr. KILDEE. In your testimony and the letter which you sent to the Department of Education, you broke down the problems of the cost guide and the quality review. Were the specific questions which you raised in that letter answered?

Ms. WOODS. The letter I forwarded to my program specialist was a letter of inquiry relating to questions for my own title IV project. Those questions have never been addressed. However, I have been informed that they owe me a letter and I will receive a letter. As I mentioned to you in reference to Dr. Minter's letter we were not of the opinion it would be the end of the quality review process before we received a response. I verified that with the officials who met in June. Dr. Minter's letter simply says for us that the quality review form was a checklist or a guide and explains to us the purposes for

which it was designed. However, that was never clarified to project people at the time the quality review was submitted to us.

Mr. KILDEE. Let me clarify this in my own mind. Are you saying Dr. Minter indicated that it was a guideline, whereas others indicated to you they were requirements?

Ms. WOODS. Yes. In the past it has been an operation of faith as we received letters or dear colleague letters from the office we accepted that as policy of that office without questioning. We used it to look at what we were doing, to make any changes that we had to make. Although the program cost guide came out saying it did not carry the force of law, as you look back at the quality review forms you see repeated reference to EDGAR and to the program cost guide, which means it was used to review them and was given to us as a reference in order to make our responses—and responses were required. As you can see in the attachment which I provide you, the first one in the testimony, which is the cover letter to the quality review. It says all the items marked in the quality review form as necessary actions require a response.

Mr. KILDEE. The word "require" in mandatory language is used quite often in this letter, is it not?

Ms. WOODS. Yes.

Mr. KILDEE. You have "require a response," "address all necessary items," "without your reply your grant application may not be certified for payment." It is at least not ambiguous. It is replete with certain mandates, is it not?

Ms. WOODS. Yes.

Mr. KILDEE. That is my judgment. You would concur, you would take it as requirement?

Ms. WOODS. We take it as saying it is mandatory, we do it or else we are threatened with the loss of our grant award.

Mr. KILDEE. Thank you. Mr. Erdahl.

Mr. ERDAHL. Thank you Mr. Chairman. Just an observation and perhaps a response from the two ladies. Thank you very much for being with us today. I think you were here when the previous panel made their presentation and told of their concern over the parent involvement. One lady brought up, it sounded like a good idea to me, the career awareness program that has been cut off, the funding for the work time. Have you had similar experiences in New Mexico?

Ms. WOODS. Yes. We proposed in our fiscal 1980 application a subcontract with the local university for career awareness training and coupled work experience program. We submitted contracts together with projected costs with our project application. We were told that stipends for work experience were not allowable. Part of our letter of inquiry asked "Would you please cite us the reference for that?" That has not been given to us. We were also told that we could not have business-related dinner meetings with our parent committee. We were cited EDGAR under the entertainment clause. We consider when our parent committee meets to conduct office business for title IV we do not necessarily consider that entertainment.

Mr. ERDAHL. Thank you very much.

Mr. KILDEE. Thank you Mr. Erdahl. Ms. Chavis, I mentioned arbitrary and capricious decisions and opinions. Can you give me

some specifics on what you consider to be arbitrary and capricious decisions and opinions?

Ms. WOODS. Mr. Chairman, may I respond to that? Do you have access now to the Robeson County quality review form?

Mr. KILDEE. Yes. We have it right before us.

Ms. WOODS. If you will look with me on page 3.

Mr. KILDEE. Yes.

Ms. WOODS. At the bottom of that page please note under comments, consultants from Seattle, California, Tucson, Ariz., and Washington, D.C., are not services built upon the heritage and conditions of the local community. I have not seen anything in the rules and regulations or in EDGAR that says that there is a specific geographical region from which you must procure consultant services.

Mr. KILDEE. I am unaware of any myself. Do you know why they would exclude them? Would it be because of tribal basis rather than expertise in delivery of services?

Ms. WOODS. I have no valid testimony as to why that would take place, Mr. Chairman, nothing that I can document.

Mr. KILDEE. We can only speculate on that.

Ms. WOODS. Also on that page in the middle under item 4, "Summer tours to Southwest and research trips to Archives and Smithsonian are unallowable. Salaries cannot be paid in work experience programs," again without the benefit of giving us statutory reference or giving us general counsel opinion. You know we questioned by what authority they made those kinds of decisions and say they are unallowable. As you look at the approved and authorized activities under the title IV rules and regulations it specifies those are only suggested activities and that you have the local mechanism to design what other activities and services are deemed necessary or needed corresponding to your needs assessment. Some of the projects were questioned on their needs assessment because they did not include testing data, dropout rates, this sort of thing. Again the title IV rules and regulations list that as a possible source but says it does not have to be limited to that kind of information. However, some folks were required to respond to the needs assessment because they did not go through an elaborate plan of providing all that kind of data.

Mr. KILDEE. If I may go beyond speculation on that question number 6 on page 3, where they indicated that you could not use consultants from Seattle, Wash., California, Tucson, et cetera. Just to set aside speculation, was it your feeling they had a certain expertise in delivery of certain types of services and that is why you wanted to use them as consultants?

Ms. WOODS. Yes. We had identified Indian experts from across the country as specific consultants to the project. As I mentioned we are very sensitive to the kind of consultants who understand our uniqueness in New Mexico. We feel it is important that we choose consultants who know about us, who are willing to come help us with our problems, rather than come in and find out what is wrong with us. We know something is wrong. We need to help them correct the wrongs.

Mr. KILDEE. It was your judgment and the judgment of your parent committees that the consultants would be of definite assistance to you?

Ms. WOODS. Yes. We were also told in this same quality review form that we would have to advertise for consultant services. And if I remember correctly in EDGAR it only depends on the amount of money to be involved in the procurement services before you have to solicit bids for it.

Mr. KILDEE. Counsel?

Mr. LOVESEE. Thank you, Mr. Chairman. I have one question of Ms. Chavis. Are you aware of any project in North Carolina whose quality review required the parent committee to cease supervision over title IV personnel or programs?

Ms. CHAVIS. State your question again. If they had to cease—

Mr. LOVESEE. Stop supervision. In other words, where the parent committee had arranged with the LEA to have supervisory authority over title IV and they were told that that was not an allowable activity on the part of the parent committee.

Ms. CHAVIS. No.

Mr. LOVESEE. Are you aware of any such situation as that?

Ms. CHAVIS. Richmond County is one.

Mr. LOVESEE. Can you describe the situation in a school district where the parent committee would be given that kind of authority by an LEA? That seems to me to be a fairly decent idea.

Ms. WOODS. I think the problem there is a very poorly drawn organizational chart because I will assure you that most school districts in North Carolina do not operate corresponding to that plan.

However, for a program specialist to say to this school district, I think it is an excellent program if you can pull it off—but for a program specialist to say, this is not how you should design your organization chart and to put a parent committee before local principals in my school district, I think they would have to find another project committee before they would do that.

Mr. LOVESEE. Thank you.

Mr. KILDEE. I want to thank the witnesses. I think your testimony really has been well documented, well researched. You brought a certain objectivity and made it very clear that you were trying to improve the process. I think you have been extremely helpful in helping us do that.

Our next witnesses will be Ms. Frances Hill, Native American resource program, Buffalo, N.Y., and Ms. Peggy Martin, past chairperson, Indian Parent Committee, Waterford, Mich. We also have Marlene Martin. You may proceed in any manner that you have arranged among yourselves.

PANEL: MARLENE MARTIN, CULTURAL RESOURCE SPECIALIST, BUFFALO, N.Y.; FRANCES HILL, NATIVE AMERICAN RESOURCE PROGRAM, BUFFALO, N.Y. AND PEGGY MARTIN, PAST CHAIRPERSON, INDIAN PARENT COMMITTEE, WATERFORD, MICH.

STATEMENT OF MARLENE MARTIN, CULTURAL RESOURCE SPECIALIST, BUFFALO, N.Y.

Ms. MARLENE MARTIN. I presently work as a cultural resource specialist in the Buffalo program. I have previously served on the parent committee. I have been specifically asked to address some of the concerns that the parent committee had, so I am speaking on their behalf right now.

We in Buffalo had felt it was necessary to point out some of our understandings of the Indian Education Act, because it is that understanding that is the premise of our actions in the past and presently.

This law provides for parents of Indian children to form a parent committee to be a partner in defining the special educational needs of their children and to cooperatively participate in the program design with an LEA to address those needs, to also cooperate in selection of personnel to implement that program.

This is as it should be. The 1969 report "Indian Education: A National Tragedy—A National Challenge," repeatedly cited the failure of educational systems of the dominant society to meet the needs of Indian students. It was the testimony of this report that was partially responsible for the enactment of the law. Those special needs indicate implementation of the law will require a special sensitivity to Indian history, to the effects of that history, and, more importantly, to all the understanding and respect that is necessary to bring about the most beneficial changes for the first Americans and for all other American citizens.

The special educational needs of Indian students were not the results of just 10- or 20-year periods of time. We are talking about centuries, and many generations. Now, it seems that parent committees are held responsible and expected to solve all of these problems in 6 or 7 years.

Indian education programs are presently funded on a 1-year basis. This is detrimental to solution of any of the preexisting problems. Some parents are not yet over their distrust of Washington and whitetape bureaucracy—insensitive and unfeeling bureaucracy that says that they are not acceptable the way they are, and that they have to change. It is about time that they learn how to fight for themselves.

So our presence here today indicates our willingness to resolve the channels and to fight for ourselves the best that we can. Our parents surely lacked experience in schools and knowledge in all its processes of hiring, budgets, and unions. But in order to make a better world for their children, they did respond and participated on parent committees. Now, then, thinking they were partners, they looked to OIE to be that one supportive agency to untangle legal language, to clarify bureaucratic functions, to facilitate and to assist them in meeting those general special educational needs of the Indian students.



They looked to OIE to be their advocate with Federal authority to assist them and to work with them, often against hostile LEA bureaucrats in order to gain benefits for their children.

Initially, this is what seemed to be happening in our agencies with OIE. However, that is not the situation now. It seems that our contact people now attempt to obscure and not clarify and have become obstructionists and not facilitators. We have been unable to discern a reason for this. The Buffalo Parent Committee wishes to be on record that they have repeatedly asked for onsite visits on their semiannual reports they are required to file. The staff has not asked for technical assistance in an effort to develop a good working relationship with our regional representatives. I have worked in this program for 4 years and have not met anyone who is our regional representative.

During our most recent proposal submission we experienced lack of cooperation in obtaining clarification of criteria and format for the proposal. Our LEA writers called several times for advice which was not clearly given. Further, we received quality review forms requesting information already contained in the proposal. The Buffalo proposal writer, Mrs. Marion Vosburgh, sent a letter of rebuttal to the OIE office on January 16, 1980, in which she stated if regulations must be changed, they should be explained before the proposals are due, not 2 months after submission. Then enclosed is our detailed response to the quality review form.

We did feel that it was necessary to be on record.

Our office and our LEA representative had also called the OIE office during the first week in February requesting an onsite visit for technical assistance with the proposal. We were told a Ms. Ford would be in Niagara Falls in mid-March and could stop by. At this time, it would be too late for assistance with the proposal submission.

Ms. Ford never did call when she was in the area.

The Buffalo Parent Committee members had felt singled out as though they were the only ones receiving contrary directives, delayed notifications and unnecessary and unwarranted scrutiny.

They were not aware of the extensiveness of what was happening. While this situation may not be one of harassment, as they had thought, it is certainly neither clarification nor cooperation.

The Parent Committee felt adrift with no one in Washington reliable for procedural guidance, and they felt insecure with no congressional authorization nor seeming commitment to fund programs which would be beneficial for their students.

By our appearance here, it is hoped to secure assurance of long-term funding and effective administration to be able to institute and fully implement the long-range planning for the benefit of our children.

Mr. KILDEE. Thank you very much.  
Ms. Hill?

#### STATEMENT OF FRANCES HILL, NATIVE AMERICAN RESOURCE PROGRAM, BUFFALO, N.Y.

Ms. FRANCES HILL. I am Frances Hill. I have been a project director in the Buffalo Public School System for 5 years. We in Buffalo feel that it is necessary to point out our understanding of



the Indian Education Act. We are going on the premise that the law provides for parents of Indian children to form a parent committee, to be a partner in defining the special educational needs of their children, and to cooperatively participate in the program design with an LEA to address those needs, to cooperate in selection of personnel to implement the program.

This is as it should be. The 1969 report, "Indian Education: A National Tragedy—A National Challenge," repeatedly cites the failure of educational systems of the dominant society to meet the needs of Indian students. It is the testimony which was part of this report that led to the enactment of the law. Those special needs indicate implementation of the law will require a special sensitivity to Indian history, to the effects of that history and, more importantly, all the understanding and respect that is necessary to bring about the most beneficial change for the first Americans and the American citizens.

The special education needs of Indian students were not the result of a 10- or 20-year period of time. We are citing centuries—generations. Now, it seems that parent committees are expected to solve all the problems in 6 or 7 years. Indian education programs are 1 year funds. Some parents aren't over their distrust of Washington and whitetape bureaucracy—insensitive, unfeeling bureaucracy that says you are unacceptable the way you are—you have to change. "It's about time they learn how to fight for themselves."

Our presence today indicates our willingness to use all channels and fight if we have to. Our parents sure lacked experience in schools and all its processes—hiring, budgets, unions—but to make a better world for their children, they responded and agreed to participate on parent committees. And, thinking they were partners, they looked to OIE to be that one supportive agency to untangle legal language, to clarify bureaucratic function, to facilitate and assist them in meeting the special educational needs of Indian students—their advocate with Federal authority to assist them, the Indian people, often with hostile LEA bureaucrats.

Initially that is what seemed to be happening. However, that is not the situation now. It seems that our contact people now attempt to obscure, not clarify, and have become obstructionists, not facilitators. We have been unable to discern a reason for this. The Buffalo Parent Committee has repeatedly asked for onsite visits in their semiannual reports. The staff has asked for technical assistance in an effort to develop a good working relationship with our regional reps; I have worked in the program 5 years and have not met either Mr. Baker, Ford, or Steen.

During our most recent proposal submission, we experienced a lack of cooperation in obtaining clarification of the criteria and format for the proposal. Our LEA writers called several times for advice which was not clearly given. Further, we received a quality review form requesting information already contained in the proposal. The proposal writer, Mrs. Marion Vosburgh, sent a letter of rebuttal to Alice Ford on June 16, 1980.

OIE was called during the first week of February, requesting an onsite visit for technical assistance on the proposal. We were told Alice Ford would be in in mid-March and could stop in, but this would be too late for help with proposal submission. Ms. Ford

never did call when she was there. Buffalo Parent Committee members had felt singled out for contrary directives, delayed notifications and unnecessary and unwarranted scrutiny. While this situation may not be harassment, it is certainly neither clarification nor cooperation.

We feel adrift with no reliable procedural guide. We feel insecure, with no congressional commitment to fund programs we feel would benefit all—inconsistent administration of the rules and regulations, particularly with the budget modification process.

The Buffalo title IV-A administration interprets that they and the parent committee have a right to move 5 percent—\$8,984.45—of our total grant—\$179,689—without prior OIE approval—certainly without a hassle. Budgets are prepared a year in advance and modifications are necessary as a plan change is desirable or money accrues through staff absences, unfilled orders, low phone bills, et cetera.

In October 1979, a plan change was instituted regarding travel and field trips.

In the meantime, we had received an attachment which said: "Budget revisions are required only by grantees with grant award that constitute over 5 percent change from the grant entitlement sent in the notification letter of November, 1979."

On November 5 and 6, the parent committee had a budget meeting that prepared the budget amendment which was less than 5 percent, which was \$8,621, with our total grant at \$179,689.

On 11/21/79, a phone call was made by Mr. Thomas to Lloyd Elm, requesting if he would give verbal approval over the phone to move \$4,000 into audit district travel. Mr. Elm, in turn, called the Buffalo project office and stated standard procedures.

On 2/21/80, an undated letter was received by Grace Fairlie, giving approval of the November 14 letter.

Mr. Leone called Judy Baker and was confused by the letter.

In turn, on 2/26, Mr. Elm called Mr. Leone and restated "standard procedures."

On 2/29, a dated letter to Mr. Reville, which rescinded the travel; the letter came to our office by the LEA, which was a week later.

On 3/11/80, a letter to Ms. Baker "re budget breakdown and extension request," which I responded to.

On 3/26/80, there was no response, and I called Alice Ford and questioned the extension, and there was no answer.

On 3/28, I returned the call again, and Alice Ford told me she misplaced the letter and "would you please send another copy."

I sent another on 4/2/80 by registered mail, and Alice Ford at that time knew that we needed an approval by 4/1/80.

On 4/9/80, a letter was dated to myself, which I received, and we were denied our budget amendment because on the letter it states, No. 1, your budget amendment did not contain the signature of the LEA representative to show the district's approval. You did not explain why 15 adults are needed for one field trip. No. 3, your justification for program extension until August is not valid. "Administrative policies of the district and this office are made known in advance and necessary approvals must be made on time."

Mr. KILDEE. Would you submit copies of those letters for the record?

Ms. HILL. Yes, I would.

[The letters referred to above follow:]

BUFFALO PUBLIC SCHOOLS,  
Buffalo, N.Y., November 14, 1979.

ALICE T. FORD,

*Education Program Specialist, USOE/Office of Indian Education, Washington, D.C.*

DEAR ALICE: Attached, please find a request for a budget amendment for Buffalo's Native American Program. It includes the appropriate budget forms and a narrative description detailing the reason for the necessary amendment. We would appreciate your approval.

Thank you for your continuing assistance.

Sincerely,

GRACE FAIRLIE,  
*Supervisor of Curriculum Development.*

BOARD OF EDUCATION,  
Buffalo, N.Y., November 21, 1979.

ALICE T. FORD,

*Education Program Specialist, USOE/Office of Indian Education, Washington, D.C.*

DEAR ALICE: We have reviewed our budget expenditures to date for the school year 1979-80. The parent committee approves the budget amendment.

Thank you for your continuing assistance.

Sincerely,

MARTHA PIERCE,  
*Parent Chairman*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF INDIAN EDUCATION,  
Washington, D.C., February 21, 1980.

Ms. GRACE FAIRLIE,

*Supervisor of Curriculum Development,  
School 86, Buffalo, N.Y.*

DEAR Ms. FAIRLIE: Your budget amendment requested in your letter of November 14, 1979 has been reviewed by this office.

Your request has been approved for the institution of a new project objective for parental cost item for student service. The attached costs are hereby also approved.

The requested increase in the travel category is also approved.

The approvals contained herein are effective as of the date of this letter. No cost should be retroactively charged.

Please be advised that all requests for project and budget amendments must be submitted 30 days prior to implementation.

Also, note that the plus column and the minus column do not have the same totals.

If you have any questions on this letter, please contact your program specialist, Eleanor Steen on telephone number (202) 245-2674. For other matter you may contact Eleanor or Alice Ford.

Sincerely,

JUDY K. BAKER,  
*Branch Chief, Division of Local  
Educational Agency Assistance.*

BOARD OF EDUCATION,  
Buffalo, N.Y., March 11, 1980.

DEAR Ms. BAKER: In response to your request of February 29, 1980, regarding a complete itemized budget breakdown of the travel category for the remainder of the year, we are requesting your consideration for approval of the following.

We have been invited (copy of letter enclosed) to attend a three (3) day workshop at St. Lawrence University at Canton, New York on June 15-18th, 1980. Below are estimated cost for each item in reference to this trip, which would include thirteen (13) staff members.

|   |          |
|---|----------|
| Staff conference travel:  |          |
| Mileage, 3 persons, at (800 miles x .27¢).....  | \$408.00 |
| Tolls, 3 persons, at \$5.80.....  | 17.40    |
| Lodging.....  | 540.00   |
| Meals.....  | 456.50   |
| Total.....  | 1,421.90 |
| Student fieldtrips—Two options: Ray Fadden's Six Nation Indian Museum, Onchiota, N.Y., 3 days, 60 students and 10 adults: |          |
| Transportation.....   | 940.00   |
| Lodging.....  | 300.00   |
| Meals.....  | 260.00   |
| Total.....  | 1,500.00 |
| Three separate trips of 1 day events, 60 students per trip and 15 adults:   |          |
| Salamanca Museum, Salamanca, N.Y.....   | 450.00   |
| Gowanda, N.Y., cultural exchange with the Freedom School.....   | 350.00   |
| Woodlawn Culture Center, Brantford, Ont.....  | 700.00   |
| Total.....  | 1,500.00 |

BOARD OF EDUCATION,  
Buffalo, N. Y.

We are requesting an extension of the funding year, to August 1980, because the L.E.A. business office has a policy that all requisitions for programs terminating June 30, 1980 be processed locally by April 1, 1980. Because of the difficulties involved in securing the recent Budget Amendment we cannot comply with the local policy without an extension of time.

Your approval on our request for program extension would then allow us time to June 1, 1980 to submit local requisitions and complete the objectives and activities in an orderly fashion.

Thank you for your consideration.

Sincerely,

FRANCES HILL,  
Research and Information Specialist.  
MARTHA PIERCE,  
Parent Committee Chairperson.

BUFFALO PUBLIC SCHOOLS,  
Buffalo, N.Y., April 30, 1980.

JUDITH BAKER,  
USOE/Office of Indian Education,  
Washington, D.C.

DEAR MS. BAKER: This letter is in response to the three (3) points you noted in your budget disapproval letter of April 9, 1980.

*Point 1.*—I felt that because my signature was on the original budget amendment letter to Alice Ford dated November 14, 1979 that it was not necessary to sign the letter responding to your request for clarification dated March 14, 1980. My signature on this letter, I hope, will be accepted as endorsement of the proposed budget amendment.

*Point 2.*—The 15 adults noted for field trips refers to 3 separate field trips with up to five adults accompanying students on each trip.

*Point 3.*—We understand you cannot grant a program extension. Mr. Leone contacted me and has agreed to accept requisitions until May 15, 1980.

Thank you for your assistance. Hope to receive your approval shortly.

Sincerely,

GRACE FAIRLIE,  
Supervisor of Curriculum Development.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF INDIAN EDUCATION,  
Washington, D.C., April 9, 1980.

Ms. FRANCES HILL,  
~~Research and Information Specialist, Native American Resource Program, School 77,~~  
Buffalo, N.Y.

DEAR Ms. HILL: Your budget amendment requested in your letter of March 11, 1980 has been reviewed by this Office.

This request cannot be approved because:

1. Your budget amendment did not contain the signature of the LEA representative to show the district's approval.
2. You did not explain why 15 adults are needed for a 1 day trip as opposed to 10 adults for a 3 day trip.
3. Your justification for a program extension until August is not valid. Administrative policies of the district and this Office are made known in advance and the necessary approvals must be made on time.

If you have any questions, please contact your program specialists, Mrs. Alice T. Ford or Mrs. Eleanor Steen on (202) 245-9159 or (202) 245-2975.

Sincerely,

JUDY K. BAKER,  
Branch Chief, Division of Local  
Educational Agency Assistance.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF INDIAN EDUCATION,  
Washington, D.C., February 29, 1980.

Mr. EUGENE REVILLE,  
Superintendent, Buffalo City School District,  
Buffalo, N.Y.

DEAR MR. REVILLE: This letter is a synopsis of my telephone conversation with Mr. Leone of your finance division.

On February 1, this office received an amendment request to increase the travel budget by \$4,000. The approval was given but was not to be used to approve any retroactive payments.

From my conversation with Mr. Leone, it appears that an OIE staff member verbally approved travel to Denver which would constitute a retroactive payment.

Even though this approval was not proper, this office will honor the approval given and the project may retroactively pay the travel expense for attendance at the NIEA Convention in Denver.

We are also requesting, by March 15, a complete itemized budget breakdown of the travel category for the remainder of the year. This is to include trip destination, estimated cost of trip, and number of students or adults participating. Until that budget breakdown is received, the present approval of the amendment for the travel category is rescinded. Costs incurred between February 7 and the date of receipt of this letter may be authorized.

As we have previously informed all grantees, and iterated again in our letter to you, all budget amendments are to be submitted in writing at least thirty days prior to the planned implementation of the amendment. This amendment is to be signed by the LEA representative and the parent committee chairman. In the future we are requesting that you closely adhere to this system.

Also, in September each geographic area was assigned program specialists designated to work in that area. These specialists are the contact people for the grants in that area and are the people who have the authority for recommending decisions affecting grants in that area. Other program specialists may interpret rules and regulations or standard procedures that are consistent throughout the office for any grantee but for program or budget amendments or special permission the assigned program specialists are the people to contact. Final approvals on all budget amendments, program amendment, or decisions must be made by a management person. This type of decision must be in writing.

For your area, Alice Ford and Eleanor Steen are the assigned program specialists. In the future, please contact these two persons for questions regarding your grant.

Sincerely,

JUDY K. BAKER,  
Branch Chief.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF INDIAN EDUCATION,  
Washington, D.C., May 6, 1980.

GRACE FAIRLEE,  
LEA Representative, Indian Education Project, School No. 86, Buffalo Public School,  
Buffalo, N.Y.:

As per our telephone conversation, April 29, 1980, this letter will serve as authorization for a field trip to the Woodlawn Cultural Center, May 1. This trip will be for 60 students and five adults.

The remaining travel items are to be submitted for approval in a response to our April 9th letter.

In regards to your request for a program extension to meet the internal guidelines of the district, this matter has been discussed with Mr. Joseph Leone. According to Mr. Leone, the only requisitions in question are those for the field trips that were not approved. All other necessary requisitions for project activities should be processed according to local guidelines and procedures.

Mr. Leone and I agreed that in order to accommodate these field trips, the submission date for the final financial report may be moved to November 15. By this action, the local finance office would have time to process and clear the necessary requisitions for the field trips that are pending approval. Those trips are the ones mentioned in this letter and those which are being requested in a response to the April 9 letter.

If you have any further questions, please feel free to contact myself or Mr. Ford.

Sincerely,

JUDY K. BAKER,  
Branch Chief, Division of Local  
Education Agency Assistance.

BUFFALO PUBLIC SCHOOLS,  
Buffalo, N.Y., June 16, 1980.

ALICE T. FORD,  
Education Program Specialist, USOE/Office of Indian Education, Washington, D.C.

DEAR MS. FORD: As the Buffalo Native American proposal writer, I am writing this letter to voice my objections to the procedure that has been used for this year's proposal submission.

Native American staff, parents, and assistants from the Buffalo Board of Education spent well over four (4) months developing our proposal according to the Federal Guidelines set fourth in Title IV, Part A 186a. 32 (C) and model application that was disseminated. At least eight persons evaluated and checked this proposal for every detail that was required. Native American staff were inserviced by your staff as to the proper method for completing our application. Telephone calls were made and a check list was requested as a precaution against omitting any necessary information.

We felt at the time of submission that every requirement had been met. The only problem that we had, was in preparing our Multi-Year Application without any technical assistance, although requested, and without any detailed guidelines for preparing a three year proposal. Every bit of information that could be obtained was utilized by the Native American staff, parents, and the proposal writer. We would still like to be considered for Multi-Year funding.

Why, after proposal inservice by your staff, and dissemination of a model for Native American proposals, would you change the requirements and request the same information to be presented in a different format? The purpose for this program is to provide much needed services to our Native American students. This year it has become very difficult to comply with the inconsistent requirements. Up until this year all that was required was a Proposal Narrative. Actually, we were pleased with the new format, as it gave us a road map that would be easy to follow at the time of implementation.

I believe that the current situation requires a type of "Grandfather Clause". As a teacher, if I were to give a test to 50 students and 48 of them failed, I would either change my test or try to discover why the students did not have the information and then reteach the lessons. In the case of our proposal, I believe the original requirements as requested were met. The new requirements are asking us to rewrite the very same information in another form. This is unfair to the Native American staff, parents and other personnel who met every requirement as it was originally requested.



The confusion this year has caused a great deal of anxiety among our Native American staff, parents, and parent committee. We have a good program and we are trying to improve it each year. If regulations must be changed, they should be changed and explained before the proposals are due, not two months after submission.

Enclosed is our detailed response to the Quality Review Form.

Thank you for evaluating our objections to this year's proposal application. We hope that you will voice these objections, so that this type of confusion will not occur in the future.

Sincerely,

MARION VOSBURGH,  
*Proposal Writer.*

Ms. HILL. Another undated letter authorizes a field trip and requires more paper work.

What happened was we sent out notification through our monthly newsletter; permission slips went home with the students, saying we were going to attend so many field schools. Ms. Ford would call before a field trip was scheduled to approve some of them. She did not approve all.

This scenario is difficult to follow due to the inconsistency in correspondents' letters addressed to different people—located in different places—undated letters with deadlines indicated; directives to contact Eleanor Steen or Alice Ford, but call them and they have to ask Judy Baker.

We feel that there has been unnecessary delay, poor explanation of procedure resulted in (1) unnecessary difficulties in our local LEA and school relationships which damaged our credibility; (2) weakened P.C. and staff relationships with community due to misinformation—notification to parents re scheduled field trips in monthly newsletter; (3) deprived our students of planned cultural experiences.

Also, we had another problem. I called Alice Ford and requested 200 copies of the 506 form and received 12. She gave me instructions not to make copies of them until after May 15, which was the deadline for the definition studies.

Also, our office did not receive a cost guide until we specifically asked for it.

To date, our award letter has not been received.

Thank you.

Mr. KILDEE. It has not been received to date?

Ms. HILL. No.

Mr. KILDEE. Has the program started?

Ms. HILL. Yes, we are operating on the school district's money.

Mr. KILDEE. And the school district will make the bookkeeping shift assuming that the award is granted?

Ms. HILL. Yes; hopefully.

Mr. KILDEE. Thank you very much.

Ms. Peggy Martin, from Waterford, Mich.

#### STATEMENT OF PEGGY MARTIN, PAST CHAIRPERSON, INDIAN PARENT COMMITTEE, WATERFORD, MICH.

Ms. PEGGY MARTIN. I am Peggy Martin. I am former chairperson of the Waterford title IV program.

Mr. Chairman, you and your staff are well aware of the difficulties we have had in running our title IV program in Waterford.



I do not want to repeat the entire history here today and take the committee's time. But I will submit an extensive written statement to the committee as part of my testimony. And our project coordinator for last year, Jan Longboat, will also submit written testimony.

Today, I only want to summarize for you the consequences for one school district of OIE's grant administration practices.

This is very painful for me to do for two reasons:

First, very real personal harm and shame have come to people as a result of OIE's actions. And, as I recall the events of last year, I feel anger and humiliation for the Indian people in my school district and for those Indian people who tried to help us out.

Second, I believe strongly in the value of this program in urban school districts, and I hope harm does not come to title IV as a result of these hearings. Title IV is a good program. We have been able to help Indian children in a way that no other programs in the school have done. For one thing, Indian self-determination through the Indian parent committees has meant that Indian children are getting a lot of support in their education from the parents.

During these hearings I hope the committee will not confuse bad administration in OIE with a good program and the need for a special Office of Indian Education.

Let me tell you briefly what happened at Waterford last year in our title IV program.

Up to October, 1979, the Waterford Indian education program was a good project. We had our ups and downs between the LEA and P.C., but we ironed them out without any major difficulties. Under the direction of our project coordinator, Jan Longboat, we began working with several other projects in the area to develop model projects. In fact, OIE invited us to New Orleans to put on a workshop on our environmental education curriculum. Twice we testified to Congress and the Office of Education in support of Indian education and Dr. Gerald Gipp's policies.

In October, all this changed because of two events, which are recorded in the many telegrams and letters sent from us to Mr. Kildee and Secretary Hufstедler.

First, a simple budget item of \$450 to support an activity which was similar to many activities in previous years and also similar to several other projects in southeast Michigan was disapproved by our present specialist and the branch chief. This was done even though our former specialist had verbally approved the item; and our present specialist had approved similar activities elsewhere. When we questioned OIE's decision on this, rather than trying to solve the problem, the branch chief and specialist began a year-long course of harassment and neglect. Inconsistencies and contradictions in interpretations of the law and regulations, inaccuracies in stating the facts, unethical behavior and practices took place.

By late winter, the LEA was confused and frustrated and began shutting down program activities because of contradictory instructions from OIE.

By April, it was clearly hopeless to continue the program. Our coordinator resigned, emotionally exhausted, and the program came to an end.

We are returning about one-half of our grant to Washington—between \$20,000 and \$25,000—because of the inadequate technical assistance from OIE.

Not only were persons' personal and professional reputations hurt by all of this, but several times we were specifically instructed to break the law.

For example, although Dr. Gerald Gipp has personally stated to me and Ms. Longboat in a meeting in his office that we could not use title IV money to collect eligibility forms, the branch chief instructed the LEA to do exactly that.

Second, OIE seriously interfered in Indian self-determination by "taking sides" with a faction in the Pontiac Lakes area and encouraging them to gain control of the parent committee.

OIE overturned our bylaws relating to P.C. elections. They permitted persons ineligible to vote to participate in elections. They refused to communicate with the elected chairperson, but only spoke with the faction they were promoting. Although requested, they have never provided us with the correspondence they wrote.

I am aware that I am under oath, and I want to say that I received at least four contradictory statements on the legality of the P.C. elections and membership. The specialist declared an election valid when it included persons not even in the school district. The branch chief gave at least two different interpretations of parent eligibility, and finally the associate deputy declared the new P.C. illegal and said he would put in writing his instructions that I, as former P.C. chairperson, was to sign the grant. He never did write it. The ineligible committee submitted a grant on April 7, and OIE accepted it.

To my best knowledge, the Waterford School District has left itself open to legal action for submitting an illegal application on OIE's instructions.

Let me summarize my concerns:

1. OIE has interfered in local Indian self-determination by imposing program demands not found in the regs, and by interfering in the P.C. bylaws.

2. OIE has refused to provide adequate technical assistance to resolve problems and interpret the law. During all this time, the specialist was in our area twice and would not give assistance. On one occasion, she was in Pontiac, Mich., 5 miles away, and cut her travel short and returned to Washington rather than visit our district. On another occasion, she was in Ann Arbor for a workshop and sat with the faction she was supporting and would not speak to the staff or chairperson from Waterford.

OIE continually makes policy statements by telephone, but will not put them in writing.

3. OIE has constantly contradicted itself in interpretations of law and policy. At the Ann Arbor workshop, the specialist provided us with instructions on the use of 506 forms. A week later, Dr. Gerald Gipp told our LEA that these instructions were not approved and were not to be distributed.

Finally, I am sick and feel hopeless that anything will improve.

After a year of harassment by OIE, I received a letter from the branch chief saying it was all our fault because we had bad bylaws.

Our bylaws worked just fine until October 1979, when OIE interfered in our election process.

Last month, I received a letter from Thomas Minter, saying that he understands things are resolved. This is plain insulting. Our program ends incomplete; we do not know if we have a legal application or not; and the Assistant Secretary tells us everything is fine. Doesn't he care what he says in letters? Doesn't he bother to find out the truth?

I think OIE will say anything they can get away with. Our specialist told our LEA two weeks ago that the grants were in the mail and we can begin hiring staff. Now I understand the grants were just mailed out on Friday and Waterford was not on the list of approvals sent to Congress.

Mr. Chairman, if OIE does not know the law, the Assistant Secretary does not know what is going on, could you please tell me how in heaven's name an LEA and P.C. is ever going to know whether we are running a program or not?

Mr. KILDEE. Thank you very much, Ms. Martin, for your testimony. We will proceed to questions.

You said the original application contained information that was later requested. Do you know why they asked for it again, since it was already in your original application?

Ms. MARLENE MARTIN. We couldn't understand why they were asking for it at all. I know that Mrs. Vosburgh replied that the original requirements were met and the new requirements were only asking us to rewrite the very same information in another format.

Mr. KILDEE. Did you have to change your program at all because of the quality review?

Ms. HILL. No.

Mr. KILDEE. Did they request changes because of quality review?

Ms. HILL. No. They just couldn't understand it. Everything that was requested in the quality review was right within their proposal. All they had to do was find it.

Mr. KILDEE. So you think the quality review you were doing was superfluous?

Ms. HILL. Yes.

Mr. KILDEE. Was your budget revision ever eventually approved?

Ms. HILL. I guess I could say partially. We still couldn't take all of the field trips that we had planned. She did not approve our extension, which means that we are sending money back this year.

Mr. KILDEE. So they are requiring you to pay money back?

Mr. HILL. We will have to, yes, because of the delay.

Mr. KILDEE. Because of the delay of approval?

Ms. HILL. Of approval; right.

Mr. KILDEE. In other words, you did not take the trips.

Ms. HILL. What happened, we had several trips planned by bus, and we were unable to take them by bus, so the staff drove their own cars, and that is the way the children were able to attend these field trips.

Mr. KILDEE. So the money you had set aside for the bus transportation, you will have to return?

Ms. HILL. Right. And there were not that many children that were able to participate in these field trips.

Mr. KILDEE. Did you go to any of the technical assistance conferences last fall?

Ms. HILL. Yes.

Mr. KILDEE. Did you find them helpful?

Ms. HILL. What happened was, the one they had in New Orleans, I was conducting a workshop, so I didn't have an opportunity to attend other workshops, but whatever I attended was helpful.

Mr. KILDEE. Ms. Martin, in your opinion, did the Office of Indian Education investigate fully the situation with respect to Dr. Thomas, and was their decision, in your opinion, based upon correct information?

Ms. PEGGY MARTIN. As far as I know, they did not. As I said, the former program specialist at the time verbally gave permission for this activity to happen. After the manuscript was delivered, it was questioned by a member of the parent committee who called Alice Ford. Then that was when it was denied. Then later, Ms. Baker, in a telephone conversation with me, stated that if we would plead ignorance, she would approve it. The LEA did that. She approved this expenditure, but later the manuscript was returned to the writer, the money was returned to the school district. It was the manuscript that would have been valuable in our program. It was one of a kind. It was hopefully to have been shared with other programs. I do not know what has happened to that now.

Mr. KILDEE. What was the position of your school board in this?

Ms. PEGGY MARTIN. The school board approved the—the LEA approved the expenditure. Later there were letters sent back and forth. Mrs. Ford, or someone, made allegations in Ann Arbor that this same manuscript was being sold by Dr. Thomas for \$10 a copy. It was not. It was an altogether different thing he was selling. It had nothing to do with the manuscript we bought.

The school board has since taken the stand that the manuscript should have been kept; that there should not have been difficulty over that.

Mr. KILDEE. They would approve the \$450 expenditure?

Ms. PEGGY MARTIN. Right.

Mr. KILDEE. I would like to if I could go to the Floor to vote. I have a few questions on the elections to the parent committee and then counsel may have some questions. I will be back in about 10 minutes.

[Brief recess.]

Mr. KILDEE. Thank you for your patience. Ms. Martin, would you detail for the committee the differing opinions regarding parent committee elections that were given in Waterford? Were you able, for example, to get definitive opinions in writing?

Ms. PEGGY MARTIN. No, not really. Could I go back to October?

Mr. KILDEE. Please.

Mr. PEGGY MARTIN. All right. Our bylaws state that our officers will hold office from school year to school year. We hold our elections in October so that the new officers can be in on the grant writing and know what is going on. So an election was held in October. I myself declared that election null and void because I did not read the rules and regulations, I did not explain the program to the people that were there. So I myself declared that election null and void. The next election was held one week later on. It was

declared null and void by the vice chairperson because it was not advertised in the paper although the same people were there that were there before. She declared it null and void and the school district went along with it. We held a third election in January. People from outside the school district came in and voted as people living in the school district with children in the schools.

My understanding of the rules and regulations is that only parents of Indian children living within the grantee school district are allowed to vote.

These people were put on the parent committee and only this last week have been taken off the parent committee. But I have never gotten an interpretation from OIE. Judy Baker told me that when I did call her and talk to her that these people should have an allowable time to get a valid 506 form into our office. I asked her what a reasonable time was. She told me 2 days. It had been 2 months already.

Then I received a letter from her that we should revise our bylaws. I had talked to—I had written to Dr. Gipp, I had talked to Dr. Gipp. I had asked for an opinion from the general counsel. I have not received anything. I had not received anything from anybody. The school district has gone along with the selection because the program specialist said that it was an illegal election. I do not see how it can be when people outside the school district voted. I am accused of carrying on a vendetta because I want to be chairperson. I do not. Our bylaws stated I cannot be chairperson. I want what is good for the program. I do not know how this is going to be resolved. But I do not think the school district has the legal parent committee, I do not think they have legal officers.

Mr. KILDEE. What revisions did OIE ask you to make in your bylaws?

Ms. PEGGY MARTIN. That people would have to attend a meeting at least—which is a good idea—would have to attend a meeting at least twice before they could vote. But that had nothing to do with these people outside the district.

Mr. KILDEE. Is that requirement they attend meetings at least twice required of other parent committees by the Office of Indian Education?

Ms. PEGGY MARTIN. No.

Mr. KILDEE. Just Waterford?

Ms. PEGGY MARTIN. Right.

Mr. KILDEE. Did they make that a request or a requirement?

Ms. PEGGY MARTIN. No, just a suggestion.

Mr. KILDEE. Suggestion, all right. What is the present status now of the parent committee?

Ms. PEGGY MARTIN. I really do not know. As far as I know the parent committee as it was elected in January stands, outside of the fact that one officer has resigned, the secretary resigned under protest.

Mr. KILDEE. That parent committee is the one that completes the application for the present school year that has started?

Ms. PEGGY MARTIN. For the grant, yes.

Mr. KILDEE. The letter from Dr. Gipp, is that the first document in writing that you had received on the parent committee? Has everything else been by phone?



Ms. PEGGY MARTIN. Yes.

Mr. KILDEE. Could you submit the letter from Dr. Gipp to the committee?

Ms. PEGGY MARTIN. Yes, I will.

Mr. KILDEE. For inclusion in the record.

Ms. PEGGY MARTIN. Yes, I will.

Mr. KILDEE. Very well. What is the relationship between Waterford Indian Community and the LEA?

Ms. PEGGY MARTIN. LEA that we had last year, our program, which was under community education; we have three LEA's within the time that the program has been going on. That department is down to one person now, who is the director of community education programs. So he is the LEA now. The LEA last year is no longer with us. He has gone back to teacher.

Up until all of this came up we had a very good relationship with the LEA. Mr. Yeomans, who is the LEA now I am sure will try to work things out.

Mr. KILDEE. Did Waterford file its application this year under protest to OIE?

Ms. PEGGY MARTIN. Did they file it? Yes.

Mr. KILDEE. What type of protest?

Ms. PEGGY MARTIN. The statement was made that if the internal difficulties within the parent committee were not resolved they would not take the program this year.

Mr. KILDEE. You will have the same parent committee that was chosen in January?

Ms. PEGGY MARTIN. Yes.

Mr. KILDEE. You will choose another parent committee in October?

Ms. PEGGY MARTIN. In October.

Mr. KILDEE. Would that condition, the reelection of a new parent committee satisfy the LEA?

Ms. PEGGY MARTIN. I talked to the LEA this last week.

Mr. KILDEE. You mean you talked to the representative of the LEA?

Ms. PEGGY MARTIN. Yes. He is going to handle the program on the basis that there are no internal difficulties, providing we are funded. I do not even know whether we are funded or not. He has told the person, who is the chairperson, that if she creates any difficulties, the program will be stopped right then. That is where it stands right now.

Mr. KILDEE. Has OIE tried to be helpful in solving this problem between the parent committee and LEA?

Ms. PEGGY MARTIN. No, they have not.

Mr. KILDEE. Have you asked for any help?

Ms. PEGGY MARTIN. Yes, we have.

Mr. KILDEE. What has been their response to that request?

Ms. PEGGY MARTIN. That they would do this in writing but nothing has ever come.

Mr. KILDEE. You requested some help in trying to resolve the differences between parent committee and the LEA?

Ms. PEGGY MARTIN. Yes.

Mr. KILDEE. They have indicated orally that they would help?

Ms. PEGGY MARTIN. Yes, but we have not received it.



Mr. KILDEE. Miss Vance, do you have any questions?

Ms. VANCE. No.

Mr. KILDEE. Majority counsel?

Mr. LOVESEE. No.

Mr. KILDEE. The committee wishes to thank all of the witnesses today. I want to restate our sole goal in these hearings is to see that all Indian children receive the services to which they are entitled. Congress has set the official policy of this country with regard to Indian education, in conjunction with the Indians, recognizing that our obligation here flows from rights which have accrued to the Indians of this country in various ways through treaties. But even beyond treaty rights are the moral rights which every Indian has in this country and the Congress feels very strongly about that. Treaty rights have the definite force of law. We are trying to not only operate corresponding to the letter of those treaties but also the spirit of those treaties. Every treaty I have ever read mentions education. So when we touch upon education in this country we are touching upon something that the Federal Government promised the Indians of this country when they took/received land from the Indians. I am determined to make sure that these educational programs operate well. Also the policy of the Federal Government is that the Indians have self-determination, not only, again, in the letter of the law of self-determination but in the spirit of self-determination. Title IV programs should have that in mind at all times when these grants are made, that we have parent committees made up of Indians who look at the needs of Indians in that particular community and submit programs. Certainly, technical assistance can be provided by the Office of Indian Education. That is very helpful. What we want to make sure is that in this we do not run roughshod over self-determination. We will continue to exercise our oversight with that in mind. I want to thank all of you for your testimony today. Thank you very much. We will adjourn until Friday at 9:30.

[Thereupon the subcommittee adjourned at 12:55 p.m.]

[Material submitted for inclusion in the record.]

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301



SCOTT CHILDRESS, Superintendent  
OFFICE OF THE SUPERINTENDENT

700 SOUTH DEANMAN DRIVE  
P.O. BOX 1118  
GALLUP, N.M. 87301

Title IV - Part A  
Correspondence

- MAY 25, 1979 - *Letter requesting extension budget*
1. June 13, 1979 - From Judy Baker approving extension budget.
  2. November 19, 1979 - From Judy Baker regarding FY80 application date and extension requests.
  3. January 30, 1980 - OIE letter regarding application.
  4. February 14, 1980 - Received March 10, 1980 - From Judy Baker regarding award date as of August 14 and summer extensions.
  5. February 28, 1980 - From Scott Childress to Judy Baker, Gerald Gipp and others regarding cash flow.
  6. March 12, 1980 - Reply from Harold Runnels regarding February 28 letter.
  7. March 13, 1980 - From Scott Childress to Secretary of Education regarding cash flow problems.
  8. March 14, 1980 - From Pete Domenici to Scott Childress regarding August 14 as a target date for release of funds.
  9. March 24, 1980 - From Carl Perkins, Chairman, Committee on Education and Labor, replying to Scott Childress letter of February 28.
  10. Undated - Received March 31, 1980 - From Gerald Gipp stating FY80 Grant will not begin until August 14 and funds not to be issued until November 1. Obligation to extend FY79 Grant.
  11. April 11, 1980 - From Scott Childress to Kathleen Hunter requesting extension budget.
  12. April 11, 1980 - From Scott Childress to Pete Domenici regarding August 14 as the target date for release of funds as opposed to August as release of Grant.
  13. Undated - Received April 25, 1980 - From Judy Baker not approve extension budget.
- NOTE: Direct conflict of June 13, 1979, letter from Judy Baker
14. April 28, 1980 - From Scott Childress to Judy Baker objecting to disapproval of the extension budget and the rationale for objections.

15. April 22, 1980 - From Pete Domenici to Scott Childress regarding August 14 as issuance of grant award.
16. May 1, 1980 - From William Smith to Scott Childress regarding a change in regulations which affected release of funds.
17. Undated - Received May 9, 1980 - From Judy Baker responding to Scott Childress letter of April 28, 1980. Refusing to extend budget even with rationale as provided in April 28 letter.
18. June 16, 1980 - From Gerald Gipp regarding quality review form.
19. June 24, 1980 - From Scott Childress to Gerald Gipp objecting to quality review form.
20. June 25, 1980 - From Parent Committee to Gerald Gipp resubmitting FY80 application.

12  
page

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301

*Please file  
Title IV  
Project*

Assistant Director  
Milton Kahney, Secretary  
Beatrice T. Eusebio, Elementary  
Beatrice Hinkley, Special Education  
& Educational Development Center

SCOTT CHILDRESS, SUPERINTENDENT  
INSTRUCTION DIVISION  
HARRY HENDRICKSON, DIRECTOR



P.O. BOX 1318  
(505) 723-3494

May 25, 1979

Fayette DeMontigny  
Education Program Specialist  
USOE/Office of Indian Education  
FOB-6, Room 2167 (Part A)  
Washington, D.C. 20202

RE: Extension Budget - 1978-79  
Grant # 0584A

Dear Fayette,

Enclosed please find the 1978-79 Extension Budget from the Title IV Indian Education Act program for the Gallup-McKinley County Public Schools.

The Extension Budget was discussed in developmental stages at the Parent Committee meetings on March 8, April 10, and May 10, 1979.

The Parent Committee and Administrators of the Gallup-McKinley County Public Schools are requesting your consideration and approval of this document.

Thank you for your assistance.

*Donald D. Smith*  
Donald D. Smith, Chairman  
Title IV Parent Committee

*Donna Becenti*  
Donna Becenti, Coordinator  
Title IV Indian Education Office

*Harry Hendrickson*  
Harry Hendrickson, Director  
Instruction Department

*Scott Childress*  
Scott Childress, Superintendent  
Gallup-McKinley County Schools

DN/pl

APPLICATION FOR FEDERAL ASSISTANCE  
(SHORT FORM)  
PART II - BUDGET DATA

| OBJECT CLASS CATEGORIES | CURRENT APPROVED BUDGET<br>(a) | CHANGE REQUESTED<br>(b) | NEW OR REVISED BUDGET<br>(c) EXTENSION BUDGET |
|-------------------------|--------------------------------|-------------------------|---|
| 1. Personnel            | 679,217.00                     | -13,133.00              | 17,092.00                                     |
| 2. Fringe Benefits      | 85,893.00                      | - 8,209.34              | 2,496.50                                      |
| 3. Travel               | 5,852.00                       |                         |   |
| 4. Equipment            | 6,062.06                       | +32,101.45              | 33,000.00                                     |
| 5. Supplies             | 59,653.93                      | - 3,472.05              | 150.00  |
| 6. Contractual          | 21,868.00                      | - 7,787.00              |   |
| 7. Construction         |                                |                         |   |
| 8. Other                | 44,275.51                      | + 499.94                | 6,934.89                                      |
| 9. Total Direct Charges | 802,841.50                     |                         | 59,673.39                                     |
| 10. Indirect Charges    | 28,742.00                      |                         | 2,254.16                                      |
| 11. TOTAL               | 831,583.50                     |                         | 61,927.55                                     |
| 12. Federal Share       |                                |                         |   |
| 13. Non-Federal Share   |                                |                         |   |
| 14. Program Income      |                                |                         |   |

## 15. Detail on Indirect Costs:

Type of Rate (mark one box)

☐ Provisional☐ Predetermined☐ Final☒ Fixed

Rate 3.64 %

Base \$

Total Amount \$

## PART III

Program Narrative Statement

(Attach additional sheets, if necessary)

NEW 6102

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
TITLE IV INDIAN EDUCATION ACT  
EXTENSION BUDGET  
1978-79

JUSTIFICATION 1:

In order to continue all efforts of the Title IV Indian Education Act program, a portion of the 1978-79 project monies must be allocated for personnel and fringe benefits for the months of July and August.

This alteration is further necessitated by the newly adopted school board policy regarding federal projects employees.

This approach will also alleviate the problems of cash flow encountered by the school district in previous years.

SALARIES:

|       |                       |    |        |
|-------|-----------------------|----|--------|
| 2.141 | Math Lab Teachers (4) | \$ | 320.00 |
|-------|-----------------------|----|--------|

FRINGE BENEFITS:

|        |                             |          |
|--------|-----------------------------|----------|
| 8.210  | Educational Retirement 6.5% | 21.00    |
| 8.220  | Social Security 6.13%       | 20.00    |
| 8.240  | Workmans Comp. .30/100      | 1.00     |
| total: |                             | \$ 42.00 |

SALARIES:

|       |                    |    |        |
|-------|--------------------|----|--------|
| 2.181 | Math Lab Aides (4) | \$ | 200.00 |
|-------|--------------------|----|--------|

FRINGE BENEFITS:

|        |                             |          |
|--------|-----------------------------|----------|
| 8.210  | Educational Retirement 6.5% | 13.00    |
| 8.220  | Social Security 6.13%       | 13.00    |
| 8.240  | Workmans Comp. .30/100      | 1.00     |
| total: |                             | \$ 27.00 |

SALARIES:

|       |                               |    |          |
|-------|-------------------------------|----|----------|
| 3.120 | Title IV Coordinator          | \$ | 1,846.00 |
|       | Math Lab Specialist           |    | 1,879.00 |
|       | Instructional Aide Specialist |    | 1,340.00 |
|       |                               |    | 5,065.00 |

FRINGE BENEFITS:

|       |  |        |
|-------|--|--------|
| 8.210 | Educational Retirement 6.5%                | 329.00 |
| 8.220 | Social Security 6.13%                      | 310.00 |
| 8.230 | Group Insurance \$21.50 a month per person | 43.00  |
| 8.240 | Workmans Comp. .30/100                     | 16.00  |
|       |  | 698.00 |

total: \$ 5,763.00



SALARIES:

|       |                             |             |
|-------|-----------------------------|-------------|
| 3.140 | Career Education Specialist | \$ 1,684.00 |
|-------|-----------------------------|-------------|

FRINGE BENEFITS:

|        |  |             |
|--------|--|-------------|
| 8.210  | Educational Retirement 6.5%                | 110.00      |
| 8.220  | Social Security 6.13%                      | 103.00      |
| 8.230  | Group Insurance \$21.50 a month-per person | 21.50       |
| 8.240  | Workmans Comp.                             | 5.00        |
| total: |  | \$ 1,923.50 |

SALARIES:

|       |                                 |                 |
|-------|---------------------------------|-----------------|
| 3.160 | Zuni Curriculum Writer          | \$ 1,916.00     |
|       | Home/School Liaison Coordinator | 1,808.00        |
|       | Printer                         | 1,600.00        |
|       |                                 | <u>5,324.00</u> |

FRINGE BENEFITS:

|        |  |               |
|--------|--|---------------|
| 8.210  | Educational Retirement 6.5%                | 347.00        |
| 8.220  | Social Security 6.13%                      | 329.00        |
| 8.230  | Group Insurance \$21.50 a month per person | 86.00         |
| 8.240  | Workmans Comp.                             | 17.00         |
|        |  | <u>779.00</u> |
| total: |  | \$ 6,103.00   |

SALARIES:

|       |                                |                 |
|-------|--------------------------------|-----------------|
| 3.170 | Secretary/Composer             | \$ 1,305.00     |
|       | Title IV Coordinator Secretary | 1,715.00        |
|       | Mobile Careers/HSL Secretary   | 1,479.00        |
|       |                                | <u>4,499.00</u> |

FRINGE BENEFITS:

|        |  |               |
|--------|--|---------------|
| 8.210  | Educational Retirement 6.5%                | 292.00        |
| 8.220  | Social Security 6.13%                      | 276.00        |
| 8.230  | Group Insurance \$21.50 a month per person | 129.00        |
| 8.240  | Workmans Comp. .30/100                     | 14.00         |
|        |  | <u>711.00</u> |
| total: |  | \$ 5,210.00   |

Salarier & Fringe Benefits total: \$ 19,588.50

JUSTIFICATION 2:

The Title IV Math Labs are composed of a variety of materials and equipment. In order to do the best job of teaching, it is necessary that all teachers and aides have a working understanding and familiarity with each component of the program.

We will have a minimum of four new instructors and four new aides to acquaint with the program. These teachers and aides will be trained prior to their starting contract time.

We are planning a two day in-service workshop for these new personnel. Four teachers would be paid \$8.00 per hour for two days for a total of \$320.00. Four aides would be paid \$5.00 per hour for two days for a total of \$200.00. Travel from outlying schools would be required and would cost \$113.00 for the two days session.

No consultant would be required as the Math Specialist would conduct the workshop. No additional pay would be required as the Math Specialist would already be on contract.

The Math Labs require a great deal of use of audio visual equipment. It is necessary to replace eight Aud-X machines in order for this component to continue to function as it should. The original Aud-X machines have been used extensively for 4 years and are constantly in need of repair.

ESTIMATED BUDGET:

|        |  |             |
|--------|--|-------------|
| 12,700 | 8 Aud-X machines (replacements) \$550.00 each  | \$ 4,400.00 |
| 2,500  | Transportation<br>4 Math Lab Teachers and 4 Aides to In-service<br>880 miles at 17¢ per mile | 150.00      |
|        | total:   | \$ 4,550.00 |

JUSTIFICATION 3:

To purchase six (6) 1979 pickups to replace six (6) of the twenty (20) Home/School Liaison pickups.

Attached are graphs showing the odometer readings, maintenance costs and other general information of each of the 1974 liaison pickups currently in the Title IV Program.

The replacement of six (6) pickup trucks is necessary as the four (4) year old liaison pickups are driven extensively on unpaved and "primitive" dirt roads. Thus, the safety and dependability performance of these pickups deteriorate at a rapid rate under these conditions. Gallup-McKinley County Public Schools' district consists of 5,700 square miles, most of which is categorized as rough terrain with roads which are difficult to maintain due to extreme changes in climatic conditions.

ESTIMATED BUDGET:

|        |                   |              |
|--------|-------------------|--------------|
| 12,700 | 6 Liaison pickups | \$ 27,000.00 |
|        | total:            | \$ 27,000.00 |

JUSTIFICATION 4:

To continue the administrative tasks of the Title IV Indian Education Act program through communication with the Parent Committee, State Department of Education, Title IV Office in Washington, D.C., schools within the Gallup-McKinley County.

To print one Title IV publication.

To purchase two (2) IBM Selectric II (correcting) typewriters to replace two of the typewriters purchased in 1973. These typewriters have been used extensively for six years and are constantly in need of repair.

ESTIMATED BUDGET:

|        |                                  |              |
|--------|----------------------------------|--------------|
| 3.390  | Star Torch III                   | \$ 3,893.89. |
| 3.490  | Title IV Office Supplies         | 150.00       |
| 6.340  | Telephone                        | 500.00       |
| 7.300  | Equipment Repair                 | 570.00       |
| 12.700 | IBM Selectric II typewriters (2) | 1,600.00     |
|        | total:                           | \$ 6,713.89  |

JUSTIFICATION 5:

For the Title IV staff and Parent Committee members to serve the students in twenty-eight schools located in an area of 5,700 square miles.

For Title IV personnel and members of the Parent Committee to attend and to participate in conferences established at the state level for up-dating their training.

Out-of-state travel to attend and to participate in conferences, workshops, business meetings with personnel involved in Indian Education.

ESTIMATED BUDGET:

|       |  |           |
|-------|--|-----------|
| 3.390 | Transportation                         | \$ 200.00 |
|       | 2 Parent Committee Meetings (\$200.00) |           |
|       | Gallup, New Mexico                     |           |
|       | 1,177 miles for 30 members             |           |
| 3.500 | Transportation                         | 100.00    |
|       | total:                                 | \$ 300.00 |

JUSTIFICATION 6:

To provide for eight (8) talented and gifted Indian students to participate in a special summer enrichment program offered by the University of New Mexico in Albuquerque. A copy of a brochure is enclosed.

|       |   |             |
|-------|---|-------------|
| 3.390 | Cost: includes tuition, room, meals, materials, recreational and health services at the UNM dormitories. (\$189.00 per student per session) | \$ 1,521.00 |
|-------|---|-------------|

JUSTIFICATION 1-6 TOTAL AMOUNT: \$ 59,673.39

JUSTIFICATION 7:

To pay the contractual obligations of the school district for indirect cost.

|               |                    |
|---------------|--------------------|
| INDIRECT COST | \$ 2,254.16        |
| total:        | <u>\$ 2,254.16</u> |

GRAND TOTAL AMOUNT FOR 78-79 EXTENSION BUDGET: \$ 61,927.55

# Session Dates:

1979

Graduate in the Arts ..... June 10-16  
 Graduate in the Sciences ..... June 17-22  
 Graduate in the Visual Arts ..... June 24-29  
 Graduate in the Arts ..... July 8-13  
 Graduate in the Sciences ..... July 15-20  
 Graduate in the Visual Arts ..... July 23-27

## Cost:

For information on the cost of the program, please contact the National Bureau of Education, Office of Special Education, Room 304, 1200 Jefferson Davis Highway, Arlington, VA 22202.

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The University of Maryland System  
 Department of Special Education  
 1000 University Avenue  
 College Park, MD 20742

The University of Maryland System  
 Department of Special Education  
 1000 University Avenue  
 College Park, MD 20742

summer  
 enrichment  
 program

for talented  
 and gifted children

An unparalleled experience  
 for talented and gifted  
 students in the 5th, 6th, 7th  
 and 8th grades.

BEST COPY AVAILABLE

## Full Text Provided by ERIC



TITLE IV INDIAN EDUCATION ACT  
HOME/SCHOOL LIAISON COMPONENT  
February 6, 1979

All listed pickups purchased in 1974.

| LOCATIONS                        | DATE  | LICENSE NO. | MAINTENANCE WORK                     | COST              |
|----------------------------------|-------|-------------|--------------------------------------|-------------------|
| Gallup High                      | 1/79  | XC-2150     | Carburator                           | \$ 56.96          |
| "                                | 1/79  | "           | Wheel balance & Parts                | 12.86             |
| "                                | 1/79  | "           | Mud & Snow tires                     | 29.04             |
| "                                | 1/79  | "           | Tire                                 | 29.04             |
| "                                | 11/78 | "           | Fuel line & pump                     | 41.72             |
| "                                | 10/78 | "           | Replaced Engine & Clutch             | 913.37            |
| "                                | 9/78  | "           | Replaced Battery                     | 39.89             |
|                                  |       |             |                                      | TOTAL: \$1,122.88 |
| * Smith Lake Elem.               | 11/78 | XC-2152     | Tires                                | \$ 53.28          |
| "                                | 1/79  | "           | Engine tune-up                       | 55.38             |
|                                  |       |             |                                      | TOTAL: \$ 108.66  |
| Lincoln & Aileen Root Elementary | 10/78 | XC-2153     | Tune-up, heater, & defroster         | \$101.71          |
| "                                | 12/78 | "           | Carburator, electrical system        | 21.53             |
| "                                | 1/79  | "           | Carburator                           | 65.28             |
|                                  |       |             |                                      | TOTAL: \$ 188.52  |
| Washington Elem.                 | 12/78 | XC-2154     | Oil change, tune-up                  | \$ 56.60          |
|                                  |       |             |                                      | TOTAL: \$ 56.60   |
| * Church Rock Elem.              | 9/78  | XC-2156     | Replace battery & cable              | \$ 36.80          |
| "                                | 9/78  | "           | Wheel balance                        | 7.00              |
| "                                | 9/78  | "           | Oil change & Grease, Tune-up         | 88.87             |
| "                                | 9/78  | "           | Electrical system                    | 20.97             |
| "                                | 9/78  | "           | Repair starter                       | 61.91             |
| "                                | 9/78  | "           | Wheel                                | 22.58             |
| "                                | 10/78 | "           | 3 tires purchased                    | 65.19             |
| "                                | 10/78 | "           | Major tune-up, carburator adjustment | 93.66             |
| "                                | 12/78 | "           | Heating system                       | 14.34             |
| "                                | 1/79  | "           | Oil change & Grease, heating system  | 36.21             |
| "                                | 1/79  | "           | Front end work                       | 73.66             |
|                                  |       |             |                                      | TOTAL: \$ 521.19  |

\*Trade-ins

TITLE IV INDIAN EDUCATION ACT  
HOME/SCHOOL LIAISON TRUCKS

MILEAGE

|  | 0 | 10,000 | 20,000 | 30,000 | 40,000      | 50,000 | 60,000 | 70,000 | 80,000 | 90,000 | 100,000 |
|--|---|--------|--------|--------|-------------|--------|--------|--------|--------|--------|---------|
| Aileen Roat-Lincoln Elem...<br>XC-2152 |   |        | 23,434 |        |             |        |        |        |        |        |         |
| Chuteh Rock Elementary *<br>XC-2156    |   |        |        |        |             | 40,020 | ✓      |        |        |        |         |
| Crowpoint Elementary<br>XC-3144        |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |
| Crowpoint High *<br>XC-2160            |   |        |        |        | 37,182      |        |        |        |        |        |         |
| Gallup Mid School<br>XC-3178           |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |
| Gallup High<br>XC-2150                 |   |        |        |        |             | 48,484 | ✓      |        |        |        |         |
| Gallup High<br>XC-3132                 |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |
| Red Rock Elementary<br>XC-3131         |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |
| Washington Elementary<br>XC-2154       |   |        | 15,968 |        |             |        |        |        |        |        |         |
| Thoreau Elementary<br>XC-3132          |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |
| * Smith Lake Elementary *<br>XC-2152   |   |        |        |        |             | 48,456 | ✓      |        |        |        |         |
| Thoreau High<br>XC-3141                |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |
| Twin Lakes Elementary *<br>XC-2130     |   |        |        |        |             | 59,042 | ✓      |        |        |        |         |
| Tehachah High<br>XC-3041               |   |        |        |        | 38,800      |        |        |        |        |        |         |
| Town Vallane Elementary<br>XC-2137     |   |        | 7,700  |        |             |        |        |        |        |        |         |
| Tuc Bonito Elementary *<br>XC-2142     |   |        |        |        |             | 43,50  |        |        |        |        |         |
| Zuni Elementary<br>XC-2160             |   |        | 22,283 |        |             |        |        |        |        |        |         |
| Zuni High<br>XC-2141                   |   |        |        | 26,800 |             |        |        |        |        |        |         |
| Central Office *<br>XC-2135            |   |        |        |        |             |        | 50,655 |        |        |        |         |
| Navajo Elementary XC-3151              |   |        |        |        | NEW PICK-UP |        |        |        |        |        |         |

\*Trade-ins

|                    |       |         |                               |             |  |
|--------------------|-------|---------|-------------------------------|-------------|--|
| Towa Yallana Elem. | 2/79  | XC-2157 | Wheel                         | \$ 27.16    |  |
| "                  | 1/79  | "       | Tube & tire                   | 24.48       |  |
|                    |       |         | TOTAL:                        | \$ 51.64    |  |
| Twain Lakes Elem.  | 2/79  | XC-2158 | Front end repair              | \$ 173.43   |  |
| "                  | 8/78  | "       | Drive line                    | 24.14       |  |
|                    |       |         | TOTAL:                        | \$ 197.57   |  |
| Central Office     | 8/78  | XC-2159 | Battery check & ionition      | \$ 9.74     |  |
| "                  | 9/78  | "       | Tire                          | 21.73       |  |
| "                  | 9/78  | "       | Front end repair              | 51.78       |  |
| "                  | 9/78  | "       | Carburetor, tune-up           | 89.35       |  |
| "                  | 11/78 | "       | Window shield washer defrost  | 46.80       |  |
|                    |       |         | TOTAL:                        | \$ 219.40   |  |
| * Crowpoint High   | 9/78  | XC-2160 | Battery & Cable               | \$ 36.80    |  |
| "                  | 11/78 | "       | Tire & parts                  | 27.99       |  |
| "                  | 11/79 | "       | Brakes & Tune-up              | 170.25      |  |
| "                  | 12/79 | "       | New starter                   | 27.00       |  |
|                    |       |         | TOTAL:                        | \$ 262.04   |  |
| * Tse Bonito Elem. | 9/78  | XC-2163 | Front end (repair)            | \$ 56.30    |  |
| "                  | 12/78 | "       | Charging system               | 19.43       |  |
| "                  | 1/79  | "       | Front end repair              | 132.64      |  |
| "                  | 1/79  | "       | Brakes, battery               | 229.71      |  |
|                    |       |         | TOTAL:                        | \$ 438.08   |  |
| Zuni High          | 9/78  | XC-2165 | Mud & Snow, regular tires     | \$ 79.10    |  |
| "                  | 9/78  | "       | Brakes                        | 149.44      |  |
| "                  | 1/79  | "       | Batter & Cable                | 36.80       |  |
|                    |       |         | TOTAL:                        | \$ 265.34   |  |
| Zuni Elem.         | 9/78  | XC-2166 | Front end                     | \$ 73.59    |  |
| "                  | 9/78  | "       | Battery, cable, minor tune-up | 63.44       |  |
| "                  | 9/78  | "       | Wheel balance, parts          | 32.50       |  |
| "                  | 10/78 | "       | Brakes                        | 84.23       |  |
| "                  | 12/78 | "       | Door handle                   | 8.05        |  |
|                    |       |         | TOTAL:                        | \$ 261.81   |  |
| Tohatchi High      | 11/78 | XC-2641 | Brakes                        | \$ 45.74    |  |
|                    |       |         | TOTAL:                        | \$ 45.74    |  |
|                    |       |         | GRAND TOTAL:                  | \$ 3,739.47 |  |

\*trade-ins

TITLE IV INDIAN EDUCATION ACT  
HOME/SCHOOL LIAISON TRUCKS  
COST OF REPAIR

|                                    | 0 | 100 | 200    | 300    | 400 | 500 | 600    | 700 | 800       | 900 | 1000 | 1100     | 1200 | 1300 | 1400 | 1500 | 1600 |
|------------------------------------|---|-----|--------|--------|-----|-----|--------|-----|-----------|-----|------|----------|------|------|------|------|------|
| leen Roat-Lincoln Elem.<br>XC-2133 |   |     | 188.52 |        |     |     |        |     |           |     |      |          |      |      |      |      |      |
| urch Rock Elementary *             |   |     |        |        |     |     | 524.29 |     |           |     |      |          |      |      |      |      |      |
| ownpoint Elementary<br>XC-2136     |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |
| ownpoint High *                    |   |     |        | 262.07 |     |     |        |     |           |     |      |          |      |      |      |      |      |
| ownpoint High<br>XC-2140           |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |
| lup Mid School<br>XC-2132          |   |     |        |        |     |     |        |     |           |     |      | 1,122.89 |      |      |      |      |      |
| lup High<br>XC-2130                |   |     |        |        |     |     |        |     |           |     |      |          |      |      |      |      |      |
| lup High<br>XC-2130                |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |
| d Rock Elementary<br>XC-2131       |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |
| shington Elementary<br>XC-2134     |   |     | 56.60  |        |     |     |        |     |           |     |      |          |      |      |      |      |      |
| preau Elementary<br>XC-2132        |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |
| lth Lake Elementary *              |   |     |        | 108.66 |     |     |        |     |           |     |      |          |      |      |      |      |      |
| preau High<br>XC-2133              |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |
| in Lakes Elementary *              |   |     |        | 197.57 |     |     |        |     |           |     |      |          |      |      |      |      |      |
| archi High<br>XC-2131              |   |     | 45.74  |        |     |     |        |     |           |     |      |          |      |      |      |      |      |
| ca Yallane Elementary<br>XC-2137   |   |     | 51.64  |        |     |     |        |     |           |     |      |          |      |      |      |      |      |
| Donito Elementary *                |   |     |        |        |     |     | 438.09 |     |           |     |      |          |      |      |      |      |      |
| il Elementary<br>XC-2166           |   |     |        | 251.81 |     |     |        |     |           |     |      |          |      |      |      |      |      |
| il High<br>XC-2161                 |   |     |        | 265.34 |     |     |        |     |           |     |      |          |      |      |      |      |      |
| tral Office<br>XC-2130             |   |     |        | 219.40 |     |     |        |     |           |     |      |          |      |      |      |      |      |
| ajo Elementary<br>XC-2131          |   |     |        |        |     |     |        | NEW | PICK - UP |     |      |          |      |      |      |      |      |

\*Trade-ins

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301



SCOTT CHILDRESS, Superintendent  
OFFICE OF THE SUPERINTENDENT

100 NORTH BOARDMAN DRIVE  
P.O. BOX 1316  
Tel. (505) 722-3491

Title IV - Part A

I. Sequence of Events

- A. Application submitted to OIE - March 29, 1980 for FY80
- B. Extension budget request refused by OIE - April 28, 1980/
- C. Adverse reaction (Quality Review Form) to application received June 16, 1980, 3 months after submitted.
- D. Action pertaining to quality review due to OIE July 12, 1980.
- E. Superintendent of Schools reply to Gerald Gipp on June 24, 1980.
- F. Gallup-McKinley County Schools Title IV Parent Committee letter of protest including resubmission of initial application and request for technical assistance on June 25, 1980.

Note: OIE insisted on response to quality review form by July 12, 1980, but project closed on June 30, 1980.

G. Telephone calls to Washington, D.C. - OIE (Status of project)

|   |  |   |
|---|--|---|
| July 14, 1980                                   | Gerald Gipp<br>Ed Simmeyer                     | No response<br>No progress  |
| July 16, 1980                                   | Gerald Gipp<br>Judy Baker                      | No response<br>No response  |
| July 22, 1980                                   | Bryan Stacey                                   | 120 day detail as acting director - wanted conference call                                    |
| July 24, 1980                                   | Bryan Stacey<br>Kathleen Hunter<br>Ed Simmeyer | 1 1/2 hour conference call regarding quality review. Did admit quality review was harassment. |
| Grant award was promised after August 12, 1980. |  |   |
| August 15, 1980                                 | Berrita Parker                                 | No progress on grant award  |
| August 25, 1980                                 |  |   |
| 8:20 a.m. MDT                                   | Brian Stacey                                   | Not at his desk   |
| 11:35 a.m. MDT                                  | Brian Stacey                                   | Not at his desk   |
| 1:20 p.m. MDT                                   | Ed Simermeyer                                  | Not available   |
| 1:25 p.m. MDT                                   | Berritta Parker                                | Detailed to another office  |

## G. Telephone calls to Washington, D.C. - OIE (Status of project)

August 25, 1980

|               |                 |                 |
|---------------|-----------------|-----------------|
| 1:25 p.m. MDT | Kathleen Hunter | Out for the day |
|               | Brian Stacey    | In a meeting    |

|               |                      |                                   |
|---------------|----------------------|-----------------------------------|
| 2:00 p.m. MDT | Brian Stacey called: | Grant award to be mailed Thursday |
|---------------|----------------------|-----------------------------------|

August 26, 1980

|                       |                            |
|-----------------------|----------------------------|
| Public School Finance | Senator Harrison Schmitt's |
| State of New Mexico   | Office called them.        |
| called:               | Grant award for \$969,625  |

111

GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301



SCOTT CHILDRESS, Superintendent  
OFFICE OF THE SUPERINTENDENT

300 NORTH DEARBORN DRIVE  
P.O. BOX 1318  
Tele. (505) 732-3691

Title IV - Part A

I. Outlined Summary of Stance

- A. I insisted on having grant award on time.
- B. Refused any "tentative approvals" of budget, proposals, or components due to the fact that OIE could "hang us" in the middle of a program year and because we wanted funding for a full year.
- C. I objected strenuously to the 10.5 month budget year for 1980-81.
- D. Invited Washington OIE to tell our employees that they were laid off due to "bungling" in Washington.
- E. I informed OIE that they were co-opting and preempting the prerogatives of the local IEC and LEA in delivery of services to Indian children per self determination policy.
- F. I indicated program quality review was harassment and not assistance. (By the way, they eventually agreed - orally, of course.)





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20202

RECEIVED

JUN 18 1979

TITLE IV

JUN 13 1979

Donna Becenti, Coordinator  
Gallup McKinley Public Schools  
Gallup, New Mexico 87301

Dear Ms. Becenti:

Your request for a grant extension outlined in your letter of May 25, 1979 has been approved, except for the purchase of six pickups. A memo is enclosed to explain the reason for this disapproval. Your grant period has been extended until August 31, 1979.

The major objectives to be completed during the extension period is for staff salaries and a summer enrichment program.

The program and budget revisions that you submitted to accomplish the objective are acceptable.

This extension also extends the program reporting period until 30 days after the end date of the extension. The final financial report and audit report are due 90 days after the end date of the extension.

If you have any questions concerning this revision, please contact Fayette deMontigny on telephone (202)245-2673.

Sincerely,

Judy Baker, Branch Chief  
Division of Local Education  
Agency Assistance  
Office of Indian Education

RECEIVED

JUN 18 1979

J.O.M.

113

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OPTIONAL FORM NO. 10  
JULY 1973 EDITION  
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# Memorandum

RECEIVED

JUN 18 1979

TITLE IV

DATE: March 13, 1979

TO : DLEAA SPECIALIST  
FIELD READERS

FROM : Chuck E. Emery  
Branch Chief

SUBJECT: OIE Policy on the Purchase of Mobile Classrooms vs. Mobile Vehicles.

During the briefing session on Sunday, there was discussion about mobile vehicles such as Vans and teaching labs and whether or not they could be leased or purchased. I would like to clarify the OIE policy on the subject.

We may authorize the lease/purchase of mobile vehicles such as Vans, teaching labs, and other mobile equipment provided that sufficient justification is provided for the necessity of such items to fulfill the purposes of the grantee's project. This means that if it is cheaper to purchase the mobile vehicle than it is to lease it, the vehicle should be purchased.

However, funds may not be used to purchase mobile classrooms. We understand mobile classrooms to mean a mass-produced unit, used in lieu of construction and placed in a fixed position at a particular site so as to become real property. Further explanation may be found in answer #5 of the "Dear Colleague" letter.

Motor vehicles for transportation of students cannot be purchased. District transportation should be used when ever possible, even if expenses have to be paid for after hour and Saturday use. If district transportation is not available, a contract can be made with a company to provide transportation for the students. The purchase or lease/purchase of motor vehicles for transportation is illegal.

*Charles E. Emery*  
Charles E. Emery



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

**BEST COPY AVAILABLE**



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20542

November 19, 1979

SUPERINTENDENT OF SCHOOLS  
GALLUP-MCKINLEY COUNTY  
SCHOOL DISTRICT  
BOX 1319  
GALLUP

NM 87301

Colle (2)  
COPY  
RECEIVED  
NOV 17 1979  
TITLE IV

Dear Superintendent:

The Office of Indian Education would like to take this opportunity to inform you of the following items pertaining to this office and to your grant.

Program Specialist Assignments

We have restructured our system from that of having one program specialist responsible for grants in a specific geographical area to that of having two program specialists who will assume joint responsibility for these grants. By using this system we feel that we will be able to provide better service to our grantees. This system will also enable us to set up a planned system for the field monitoring necessary to meet the Congressional mandate to monitor one-third of the Part A grants each year. One of the program specialists will be mainly responsible for the inhouse, administrative work involved and will be available in the office at all times to assist grantees who may call. The other will be mainly responsible for monitoring and technical assistance in the field.

A listing is enclosed of the program specialists, their geographical assignments and telephone numbers.

Student Eligibility Certifications (506 Forms)

For the Fiscal Year 1980 grant process (school year 1980-81), the estimated student eligibility count was due in this office by October 31, 1979. If you have not submitted that count, please do so as soon as possible. It was suggested that before the estimate was submitted the 506 forms should be screened to ensure that they were complete and that none were questionable as to the student's meeting the definition of Indian as set forth in the Indian Education Act.

The final count is to be submitted with the grant application. If you did not screen your forms prior to the submission of the estimated count, this should be done prior to submission of the final count.

By now, you should have received the revised student eligibility certification forms. We encourage each district to start the distribution of these forms as soon as possible so that they will be ready to submit to the Assistant Secretary for Education by May 15, 1980. As you know, the Education Amendments of 1978 require the Assistant Secretary for Education to conduct a study of the definition of Indian and to submit a report to the Congress in 1980.

The revised 506 forms will not be used for the eligibility count for grant award purposes until the Fiscal Year 1981 grant process. Estimated counts for that process will not be requested until the Fall of 1980.

A listing of dates and actions to be taken in implementing the new 506 form is enclosed.

#### Application Deadline Dates

Nov. 19, 79 As of this date, we are still unsure of the deadline date for FY 80 (school year 80-81) application receipt. It is projected to be in March. We realize this is very late, but our application packets are still in the process of being cleared by the agency. From the clearance date to the deadline date, we project that we will need between 90 and 120 days for printing, mail-out, and grantee preparation time.

This timeline will make award dates for 1980 late. We are studying alternatives to this problem and will keep you informed.

In preparation for submission of the grant application, we would like to bring to your attention Section 186.a.31 of the Part A proposed regulations which provides that, "As a first step in developing a project, an applicant shall conduct a needs assessment to determine the special educational and culturally related academic needs of Indian children enrolled in its schools." The application will therefore require (1) a description of the method by which the needs assessment and ranking process were carried out, including the method of assessment of other services available and the involvement of the parent committee; (2) a description of the subject matters (reading, math, etc.) and other categories (culturally related academic needs) that were surveyed; and (3) a list of the results of the needs assessment, including a list of

needs ranked by priority, the number of Indian children demonstrating each need, and whether or not other services are provided in the school district to address this need.

We wanted you to be aware of these requirements before the application packet is sent out so that you can plan adequately for the needs assessment. This is particularly important since the project that you design this year may be for up to three years. In the application, all objectives must be based on the needs of the students and all objectives must be stated for each year for which you are going to make application. For a multi-year grant, please remember to include in your application any summer program that you plan. Again, the program must meet needs stated in the needs assessment.

We are making every effort to close out grants for Fiscal Years 1975, 1976, and 1977. To close out a grant, we must have a final financial report and a final program report on file. If you have monies left over at the end of a year, the final figure on the financial report should be the same as the monies that you have left.

In order to close grants out in a timely and efficient manner, we have instituted a system whereby grantees will be notified twice of overdue reports. The first notification will be 30 days after the original due date and the second notification will be 60 days after the due date. If after the second notification, the grantee has not requested an extension and has failed to submit the reports, the grant will be closed as a non-compliance closure. If it is necessary to close a grant in this manner, a grantee may not receive future grant payments until the non-compliance is cleared.

The final financial report and the final program report for Fiscal Year 1978 (1978-79 School Year) are due November 30 for grants that were extended. The reports for those grants that were not extended were due September 30, 1979. If you have not submitted these reports, please do so as soon as possible.

#### Amendment Requests

All budget and program amendment requests must be submitted in writing and must be signed by both the LEA representative and the parent committee chairperson or representative.

Amendment requests are due in this office 30 days prior to the requested beginning date of the amendment.

Program extensions for summer programs may only be granted for the continuance of objectives that were submitted in the original application and only if unusual circumstances prevented the completion of these objectives. Extension requests to institute new objectives or activities will not be accepted.

All extension requests are due in this office by May 30.

I hope this information will be helpful to you. If you have any questions concerning any of these items, please feel free to write to or call your program specialist.

Sincerely,

*Judy Baker*

Judy Baker  
Branch Chief  
Division of Local Educational  
Agency Assistance  
Office of Indian Education

Enclosures:

## Part A

Office of Indian Education  
Staff AssignmentsNORTHWEST  
(207 grants)Alaska  
Washington  
OregonValerie Grant (202) 245-9159  
John Sam (202) 245-7525Idaho  
Montana  
WyomingSOUTHWEST  
(262 grants)California  
Nevada  
UtahFaye deMontigny (202) 245-2673  
Berrita Parker (202) 472-4214Arizona  
Colorado  
New MexicoMID-WEST  
(192 grants)North Dakota  
South Dakota  
Minnesota  
WisconsinSonja Lenon (202) 245-9159  
Janice Swann (202) 245-2975Nebraska  
Iowa  
Illinois  
KansasMissouri  
Arkansas  
Louisiana  
TexasOKLAHOMA  
(267 grants)Lloyd Elm (202) 245-7525  
Kathleen Hunter (202) 245-2673EAST COAST  
(203 grants)Maine  
Vermont  
New Hampshire  
Massachusetts  
Connecticut  
Rhode Island  
New Jersey

Alice Ford (202) 245-2975

Pennsylvania  
Maryland  
Delaware  
West Virginia  
Virginia  
Ohio  
Michigan  
IndianaKentucky  
Tennessee  
North Carolina  
South Carolina  
Alabama  
Mississippi  
Florida  
Georgia



Cole

③



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20202  
January 30, 1980

RECEIVED

FEB 11 1980

SUPT. OFFICE

Dear Superintendent:

The purpose of this transmittal is to inform you that your school district is eligible for a grant award for Fiscal Year 1980 under Part A, Title IV (the Indian Education Act of 1972, P. L. 92-318, as amended). Please see the enclosed information sheet for the estimated entitlement this Office has calculated for your district.

Funds appropriated to implement Part A of this Act shall be used for supplemental services and activities designed to meet the special educational and culturally related academic needs of Indian children.

An application packet containing forms and pertinent information necessary for the submission of an application for new grants will be sent under separate cover. The applications for Fiscal Year 1980 must be complete and are to be based on a budget period of ten (10) months, beginning on September 1, 1980, and ending on June 30, 1981.

Applications may be submitted for projects which require more than ten (10) months for completion. An applicant that proposes a multi-year project must include an activity plan, based upon stated objectives, for each year being requested and the required budget information as outlined in the Rules and Regulations. If an application is awarded multi-year status, budget periods of a single year's duration will be made with continuation awards subject to: 1) satisfactory performance; 2) the availability of funds in future fiscal years; and, 3) continued benefit to eligible Indian children as determined by this Office. Consideration for continued support will be made on a case-by-case basis.

In order to allow sufficient time for the necessary processing and review of such applications, which are also subject to review by the National Advisory Council on Indian Education as provided under the Act, and for the obligation of available funds prior to the end of the current Fiscal Year, applications under the Act must be submitted to the U.S. Office of Education, Application Control Center, Room 5673, R08-3, 7th & "D" Streets, S.W., Washington, D.C. 20202, Attention: 13.534, by April 7, 1980.

This Agency can bear no responsibility for any applications not received, nor grant any waivers of the deadline date. If an application is received late, or is incomplete, it will not be considered for funding and will be returned to the applicant.

Page 2 - Estimated Entitlement Letter

*Note* } The grant application process for Part A has been altered this year. Upon receipt, applications will be screened for completeness. If an application is incomplete, i.e., if it lacks the necessary compliance items contained in Part VI of the application, the application will be rejected. Once rejected, it may not be resubmitted.

For those applications that are complete, staff will perform a programmatic quality review and notify the grantee of any programmatic or budgetary questions. Along with this notification, you will be apprised of the actual entitlement for your program so that a final budget may be devised. You will have thirty (30) days to respond to this notice. Grant awards will be made only after satisfactory response to the quality review has been received. Our projected time schedule calls for quality review notifications to be mailed between May 15 and June 15. A return deadline date of thirty (30) days will be indicated on the letter. Grant awards will be issued in September.

If you have any questions or problems, please contact the Division of Local Educational Agency Assistance on one of the following telephone numbers: (202) 245-3159, -2683, -2673, -8066, -2975, -7525, or 472-4214.

Sincerely,

*John Tippetts*  
John Tippetts  
Associate Deputy Commissioner  
Office of Indian Education

Enclosure

cc: Parent Committee Chairperson

FEBRUARY 1, 1980

SUPERINTENDENT OF SCHOOLS  
GALLUP: MCKINLEY COUNTY  
BOX 1310  
GALLUP

NM 87301

THIS OFFICE HAS CALCULATED AN ESTIMATED ENTITLEMENT FOR YOUR DISTRICT.  
THIS APPROXIMATION WAS COMPUTED USING THE FACTORS OF THE STATE AVERAGE  
PER PUPIL EXPENDITURE (SPPE), THE NUMBER OF INDIAN STUDENTS ENROLLED  
IN THE LEA (IC), AND A PRORATED ESTIMATE (PE) OF USOE FUNDS

LEA ESTIMATED ENTITLEMENT = (SPPE) X (IC) X (PE)

= 1,489.47 X 9,529 X 0.001564

THE ESTIMATED ENTITLEMENT FOR YOUR LEA IS: \$1,157,651

THIS ESTIMATE IS BASED UPON THE NUMBER OF LEA'S EXPECTED TO RESPOND  
WITH A GRANT APPLICATION AND REPRESENTS THE DOLLAR FIGURE AROUND WHICH  
YOUR DISTRICT SHOULD PLAN ITS TITLE IV, PART A PROGRAM.

1490

1706 244

2,541,940

.081564 P.E.

207,330



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, DC 20540  
February 14, 1980

*M. Cole* (4)

RECEIVED

MAR 10 1980

TITLE IV

Dear Grantee:

Now that application submission time and the end of the current school year is in sight, we would like to offer some reminders.

#### REPORTING

Semi annual reports for this year (FY 79) were due into this office by January 31, 1980. If you have not submitted them, please do so.

The response to the submission of FY 78 (school year 78-79) final reports is being made. We are expecting to start a close-out effort on these reports in March.

We have just about completed the close-out efforts for FY 74-77. Our appreciation to all of you who have borne with us on resubmission of reports which we couldn't track, lost, etc. This cooperation has made our task of trying to catch up on all of the back logged work much easier.

#### GRANT AWARDS

As most of you are aware, the delay in our regulations has resulted in a delay in our award date. The application packet states a beginning date of September 1. This will be moved back to August 14, as a beginning date.

In response to some questions, we would like to clarify some terms and procedures to help avoid confusion, especially now that three year grants are a reality.

A Project period is the total amount of time that an applicant may be approved to carry out a certain set of objectives. This period may, for our purposes, be up to 34 months. Each project period is divided into budget periods. These are the periods of time for which funds are awarded and are to be expended. Budget periods are usually one year.

Until now, the budget period and project period have always been one in the same so there has been no confusion. With continuations awards this changes. You may have your application approved for a project period of up to three years by making application for 3 years and stating the objectives for each of the three years. This means that each year you do not have to come in with a new needs assessment and set of objectives but only have to indicate planned changes or amendments to the original project narrative when you apply for year two and year three.

**BEST COPY AVAILABLE**

The budget is another matter. For each budget period (year) you will be apprised of your entitlement amount and must submit a complete and detailed budget for that year.

So, for this year, if you want to apply for three years, you set your objectives for all three years but submit only a detailed budget for year one (FY 80, school year 80-81). You will use your entitlement figure for FY 80 as a planning figure for FY 81 and 82. Next year, FY 81, you will have to submit only amendments to the project and a detailed budget for FY 81 based upon your entitlement for FY 81. Yearly notification of entitlements will be made.

The authorized budget period, which appears on your grant award document, is the authorized period for which you may incur costs against one grant award. This year, if your application is approved, you may legally start incurring costs on August 14 and may incur them until June 30, 1981.

Date of receipt of the grant award document is not the starting date of the period.

#### SUMMER EXTENSIONS

We have been receiving many requests regarding summer extensions. Summer extensions may be granted for the following:

1. If a summer program was submitted in the original application.
2. If you are not able to achieve the objectives set forth in the original application because of some justifiable delay. For instance, teacher strikes and late school openings delayed the starting dates of many projects.
3. If you are unable to complete your evaluation or audit within the project period. This extension would be for necessary administrative staff only.

Summer extensions may not be used to institute new objectives or activities.

We would appreciate requests for summer extension to be submitted as soon as possible so that we will have time to process them. In no case may they be submitted after May 30.

#### 506 Forms

We have now received the second printing of 506 forms so if you need any let us know. Please remember the May 15 deadline for submission to the Assistant Secretary of Education office.

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BUDGET AND PROJECT AMENDMENTS

We have noticed a great improvement in the submission of requests for budget and project amendments. We are still having some difficulties so please note the following.

1. In making an amendment request state the last approved objective or budget item, the requested change, and a justification for the change.
2. Submit amendment requests 30 days in advance of your planned implementation of that change.
3. Have both the LEA Representative and the Parent Committee Chairman sign the request.
4. We must notify you within 30 days of our decision.

FY 81 GRANT PROCESS

This note, even though it may seem like a long way ahead, is to inform you that we are trying to schedule the FY 81 grant process for application submission before Christmas of 1980. We realize that you will just be starting your FY 80 project and will not have all necessary monitoring data. However, it will enable us to move the process ahead enough so that we can insure grant award documents in time for your necessary teacher and staff negotiations. The FY 81 budget period will not begin until July 1, 1981, but you will have the document so that you can make firm commitments. We'd appreciate your reaction to this.

These letters are done periodically to keep you informed of Title IV activities, policies, etc. If you need clarification on certain points or procedures, please let us know. We appreciate any feed-back from you that will enable us to be of better service.

Sincerely,

*Judy K. Baker*

Judy K. Baker  
Branch Chief  
Division of Local Educational  
Agency Assistance  
Office of Indian Education

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⑤

February 28, 1980

Ms. Judy Baker, Branch Chief  
 USOE/Office of Indian Education  
 Room 2167, FOB 6 (Part A)  
 400 Maryland Ave., S.W.  
 Washington, D.C. 20202

Dear Ms. Baker:

Based on information recently received from the Office of Indian Education and the February 27, 1980 workshop in this area, a major problem on cash flow is beginning to develop for the Gallup-McKinley County Public Schools and your office.

The information I have received is that, if everything goes "extremely well", the district will have cash to operate Title IV-A by October 1, 1980. If everything goes "well", the district will have cash to start Title IV-A by November 1, 1980. These dates will create a cash flow problem for the district.

If the district does not receive Title IV cash by August 30, 1980, there will be no program at the start of school and employees will be laid off.

Board Policy IV 22.5

"Federal Project Employees. These employees will not be allowed to begin work on a new contract unless (1) program negotiations have been completed, (2) contracts and required documents have been signed, and (3) federal projects monies have been deposited in a bank. In no case will a federal employee be paid until the money is on deposit."

If there is not cash to start a program September 1, 1980, then there will not be an extension contract for the months of July and August. If there is not an extension contract for July and August, the six administrative staff will have to be laid off. What I am saying is that the district will not give certified staff a two months' contract. If that is the case, who will develop Title IV-A for the fall term?

Likewise, what staff member wants a two months' contract when they need and can receive a 12-months' contract somewhere else. This total problem will involve about 60 employees.



Judy Baker  
February 28, 1980  
Page 2

Some way, the district needs to know by May 15 if there is to be cash in the district by September 1. This is based on School Board Policy IV 4.7:

"Certificated instructional personnel who are not being considered for reemployment must be notified fourteen (14) days before the closing day of school as prescribed by Section 77-8-9, HNSA 1953 as amended."

The district will not issue employment contracts to staff if there is a possibility of a program starting late.

In closing, I want to stress that the Office of Indian Education must state in writing by May 15 that the school district will have cash on hand by September 1, 1980. If this is not the case, the District's Title IV-A program will cease operation June 30, 1980. Is this a possibility?

Sincerely,



Scott Childress  
Superintendent of Schools

SC:sb

cc: Donald Smith, Title IV Parent Committee Chairman  
Congressional Members

A letter has also been sent to John Tippecanoe and Gerald Gipp; Representative Carl Perkins of Kentucky, Chairperson, Committee on Education and Labor; and Representative Dale Kildee, Chairperson, Indian Education Oversight Committee, U.S. House of Representatives, Washington, D.C.

**BEST COPY AVAILABLE**

February 28, 1980

The Honorable Pete Domenici  
4107 New Senate Office Building  
Washington, D.C. 20510

Dear Senator Domenici:

I am writing to you on Title IV-A funding for the Gallup-McKinley County Public Schools. Based on information received from the Office of Indian Education, and unless things change, the school district is facing a funding crisis for the 1980-81 school year. In fact, it will be a momentous funding crisis, unless someone on the Washington scene can provide the leadership to change the funding dates.

In talking with the Office of Indian Education, Title IV-A Indian Education Act staff, the earliest date to expect cash for the 1980-81 program is October 1, 1980. Receiving money at this date will be possible. If everything goes "extremely well," a more logical date would be around November 1, 1980. This is information given to me from the Office of Indian Education staff.

The reason for the crisis is as follows:

1. School Board Policy and state regulations permit paying employees only from the program they are funded from. If the District does not have Title IV cash on hand to start school, then those employees will be laid off. The school district employs about sixty Title IV people.

Board Policy IV 22.5: "Federal Project Employees. These employees will not be allowed to begin work on a new contract unless (1) program negotiations have been completed, (2) contracts and required documents have been signed, and (3) federal projects monies have been deposited in a bank. In no case will a federal employee be paid until the money is on deposit."

2. The school district extends contracts to certified people in April and non-certified in May. It is not professionally honest to extend contracts to employees without explaining the chances of a program starting two months late (September and October). The district has six employees on a 12-month contract that expires June 30, 1980. Therefore, these staff members will be unemployed several months.

BEST COPY AVAILABLE

The Honorable Pete Domenici  
February 28, 1980  
Page 2

Board Policy IV 4.7: "Certificated instructional personnel who are not being considered for reemployment must be notified fourteen (14) days before the closing day of school as prescribed by Section 77-8-9, NMSA 1953 as amended."

3. It is impossible to have a sound educational program and outstanding teachers for a program that is not continuous from year to year. Neither is it possible for the IV administrative staff to plan and develop program are laid off during the summer planning stages.

If at all possible, I am asking that the State's Congressional District work with Representative Carl Perkins of Kentucky and Representative Dale Kildee of Michigan to correct the cash flow problem.

An immediate reply would be appreciated.

Sincerely,

*Scott Childress*  
Scott Childress  
Superintendent of Schools

SC:dw

cc: Donald Smith, Title IV Parent Committee Chairman  
John Tippeconnic, Office of Indian Education  
Gerald E. Gipp, Office of Indian Education  
Representative Carl Perkins of Kentucky  
Representative Dale Kildee of Michigan

HAROLD RUNNELS  
20 DISTRICT, NEW MEXICO

COMMITTEE ON ARMED SERVICES

SUBCOMMITTEES:  
WEAPONS AND EQUIPMENT  
INVESTIGATION

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS

SUBCOMMITTEES:  
OVERSIGHT AND INVESTIGATION, CHAIRMAN  
PUBLIC LANDS  
MINES AND MINING

March 12, 1980

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

WASHINGTON OFFICE  
1312 LONGWORTH BUILDING  
AREA CODE 202 225-2222

RECEIVED  
MAR 10 1980

DISTRICT OFFICES  
SUITE A, MCKINLEY BUILDING  
GALLUP, NEW MEXICO 87301  
AREA CODE 505 799-1131

FEDERAL BUILDING, ROOM 8201  
SAN JOSE, NEW MEXICO 88001  
AREA CODE 505 833-3411

FEDERAL BUILDING, ROOM 100  
GALLUP, NEW MEXICO 87301  
AREA CODE 505 752-1400

Scott Childress  
Superintendent of Schools  
Gallup-McKinley County Public Schools  
P.O. Box 1318  
Gallup, New Mexico 87301

Dear Scott:

Thank you for your letter of February 28th outlining the problems confronting you in the lack of funding for Title IV-A.

As you are no doubt aware, this was one of the programs that was forward funded. The funding for the 1980-81 school year is contained in the FY81 appropriations.

In discussing this matter with the staff of Congressman Carl Perkins, I am advised that the Chairman is aware of the problems and may be conducting oversight hearings in the near future with the ultimate goal of obtaining an earlier release date for the funds. The Chairman's staff has indicated that they too were advised that under the present situation funding would not be available until sometime in November. They indicated that this is not acceptable to Chairman Perkins.

I am going to take the liberty of making your letter available to Congressman Perkins' staff so that they may be aware of the specific impact upon your school district.

With best wishes.

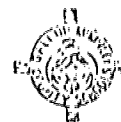
Sincerely,



HAROLD RUNNELS, M.C.

lkm

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301



SCOTT CHILDRENS, Superintendent  
OFFICE OF THE SUPERINTENDENT

700 SOUTH WARDMAN DRIVE  
P.O. BOX 1118  
Tel. (505) 722-3891

March 13, 1980

Ms. Shirley M. Hufstedler  
Secretary of Education  
Department of Education  
Federal Office Building #6  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Ms. Hufstedler:

I regret that I have to appeal to you regarding FY 81 Title IV Indian Education Act funding, as you do have personnel to whom this concern should be expressed. However, since these people are insensitive to the needs of local school districts, I would think you would want to be informed.

We were told by representatives from the Title IV office that funding for the 1980-81 school year would arrive October 1 or November 1, 1980. The problem is that our fiscal year begins July 1, 1980, and our school year begins August 28, 1980, even though we will have an extension budget from July 1 to August 31. We cannot possibly begin our Title IV program after August 31, 1980, without assurances that funding will be available to honor contracts. Also, this school district has a sound fiscal policy which prohibits beginning any program without a signed contract and funds.

Prior years' funding was received in a timely manner and program continuity was assured. Without continuity there is naturally no viable program. Our Title IV program is an approximately one million dollar program.

It appears that the problem is caused by a bureaucratic regulation. I am hoping that you may wish to review the regulation and determine if the regulation is necessary and advise me as to the outcome. If the regulation is deemed necessary, personnel will have to be terminated.

Sincerely yours,

*Scott Childers*  
Scott Childers  
Superintendent

cc: New Mexico Congressmen Domenici, Schmitt, Runnels, Lujan

PETE V. DOMENICI  
NEW MEXICO

United States Senate  
WASHINGTON, D.C. 20510

cc: [unclear]  
[unclear]  
RECEIVED 8  
MAR 18 1980  
SUPT. OFFICE

March 14, 1980

Mr. Scott Childress  
Superintendent of Schools  
Gallup-McKinley County Public Schools  
P.O. Box 1318  
Gallup, New Mexico 87301

Dear Scott:

Thank you for contacting my office about your valid concern over the timing of Title IV-A funds for Indian Education in the Gallup-McKinley County Public Schools.

As we have discussed with you on the phone, HEW has a new target date of August 14 for the release of funds. They will also be sure to notify you prior to this date of your eligibility to receive funds. This should be a considerable help in your planning process.

If you have problems as these dates approach, please call Kathleen Hunter at (202) 245-7525.

With best wishes,

Sincerely,

  
Pete V. Domenici  
United States Senator

PVD:jtar







DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20205

RECEIVED

MAR 21 1980

SUPT. OFFICE

Mr. Scott Childress, Superintendent  
Gallup-McKinley County Public Schools  
Gallup, New Mexico 87301

Dear Mr. Childress:

Thank you for your letters of February 28, 1980 to Dr. Tippecanoe, Judy Baker, and me, in which you outline cash flow and staff problems as they relate to the timing of the FY 80 Title IV, Part A grant process. This Office is extremely aware of the problem and has taken certain steps to help alleviate it. These steps, however, will not be sufficient to solve the total problem for this particular year (FY 80, school year 80-81).

For FY 80, our grant cycle has been delayed because of the issuance of new regulations. This was beyond our control. The FY 80 grant year will not begin until August 14, 1980. The FY 79 year ends on June 30, 1980. We are working toward the issuance of the grant award document in August 1980, but the actual funds for the programs will not be issued until approximately November 1, 1980. We are trying every thing possible to get the funds out as quickly as we can.

We have been in contact with the New Mexico State Department to see if it would be possible for the State Department to authorize expenditures even though the funds have not actually been received. This matter is still under negotiation.

Recently, a letter, dated February 14, was mailed to you outlining the process by which the FY 79 grant may be extended. If you choose, your current grant can be extended to August 13, 1980.

For FY 81, we are scheduling the total grant application process so that grant award documents would reach you in April and funds would be available by July 1.

This Office sincerely regrets these circumstances. If we may be of any assistance to you, please feel free to contact us.

Sincerely,

*Gerald E. Gipp*  
Gerald E. Gipp  
Deputy Commissioner  
Office of Indian Education

file 11

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301

SCOTT CHILDRESS, SUPERINTENDENT

INSTRUCTION DEPARTMENT  
HARRY HENDRICKSON, DIRECTOR

Assistant Directors  
Milton Kashner, Secondary  
Paula Garcia, Elementary  
Beatrice Holland, Special Education  
& Educational Development Center  
Ed Cole, Federal Projects



P.O. BOX 1318  
(505) 723-3894

April 11, 1980

Kathleen Hunter  
Office Of Indian Education  
POB #6 Room 2167  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

RE: Extension Budget 1979-80  
Grant # 0804A

Dear Ms. Hunter,

Enclosed please find the 1979-80 Extension Budget for the Gallup-McKinley County Schools Title IV Indian Education Act program.

The Extension Budget was discussed with the Parent Committee members on April 10, 1980 at the regular monthly meeting.


The Title IV Parent Committee and Administration of the Gallup-McKinley Public Schools are requesting your consideration and approval of this document.

Thank you for your assistance.

  
Donald D. Smith, Chairman  
Title IV Parent Committee

  
Scott Childress, Superintendent  
Gallup-McKinley Public Schools

  
Donna Becenti, Coordinator  
Title IV Indian Education Office

  
Ed Cole, Assistant Director of  
Federal Projects

DB/pl

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
 TITLE IV INDIAN EDUCATION ACT  
 Extension-Budget  
 1979-80

JUSTIFICATION:

In order to continue all efforts of the Title IV Indian Education Act program, a portion of the 1979-80 project monies must be allocated for personnel and fringe benefits for the months of July and August.

SALARIES:

|       |     |                                    |                     |
|-------|-----|------------------------------------|---------------------|
| 3.120 | 1.0 | Coordinator                        | \$ 4,215.00         |
| 3.120 | 1.0 | Math Lab Specialist                | 4,435.00            |
| 3.120 | 1.0 | Instructional Aide Specialist      | 3,667.00            |
|       |     |                                    | <u>\$ 12,317.00</u> |
| 3.140 | 1.0 | Mobile Career Education Specialist | \$ 3,914.00         |
|       |     |                                    | <u>\$ 3,914.00</u>  |
| 3.160 | 1.0 | Home/School Liaison Coordinator    | \$ 4,183.00         |
|       |     |                                    | <u>\$ 4,183.00</u>  |
| 3.170 | 1.0 | Secretary - Coordinator            | \$ 1,971.00         |
| 3.170 | 1.0 | Secretary - Specialists            | 1,478.00            |
|       |     |                                    | <u>\$ 3,449.00</u>  |

TOTAL SALARIES: \$ 23,863.00

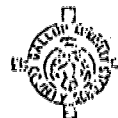
FRINGE BENEFITS:

|       |  |                    |
|-------|--|--------------------|
| 8.210 | Retirement 6.5%                        | \$ 1,552.00        |
| 8.220 | Social Security 6.13%                  | 1,463.00           |
| 8.230 | Group Insurance \$12.00/employee/month | 294.00             |
| 8.240 | Workmans Comp. 30c/\$100               | 72.00              |
|       |  | <u>\$ 3,381.00</u> |

TOTAL FRINGE BENEFIT: \$ 3,381.00

GRAND TOTAL: \$ 27,244.00

GALLUP-MCKINLEY COUNTY PUBLIC SCHOOLS  
GALLUP, NEW MEXICO 87301



12

SCOTT CHILDRESS, Superintendent  
OFFICE OF THE SUPERINTENDENT

700 NORTH PALMERMAN DRIVE,  
PO. BOX 1118  
Tele. (505) 752-0891

April 11, 1980

Senator Pete Domenici  
4107 New Senate Office Building  
Washington, D.C. 20510

Dear Senator Domenici:

Thank you for your March 14 letter (copy enclosed) reassuring us that funding for the Title IV-A program would be released August 14.

I have recently received a letter from Gerald E. Gipp (copy enclosed) whereby he states funds will not be released until approximately November 1.

Even though the two letters are conflicting, I am using yours as assurance that funding will arrive by August 14 and we will plan accordingly.

If this approach is not advisable, please contact me at your earliest convenience.

Sincerely,

*Scott Childress*

Scott Childress  
Superintendent

SC/ss

Enclosures (2)

RECEIVED

APR 11 1980

G. E. M.

PLTE V. DOMENICI  
NEW MEXICO

United States Senate  
WASHINGTON, D.C. 20510

RECEIVED  
MAR 18 1980

SUPT. OFFICE

March 14, 1980

Mr. Scott Childress  
Superintendent of Schools  
Gallup-McKinley County Public Schools  
P.O. Box 1318  
Gallup, New Mexico 87301

Dear Scott:

Thank you for contacting my office about your valid concern over the timing of Title IV-A funds for Indian Education in the Gallup-McKinley County Public Schools.

As we have discussed with you on the phone, IIEV has a new target date of August 14 for the release of funds. They will also be sure to notify you prior to this date of your eligibility to receive funds. This should be a considerable help in your planning process.

If you have problems as these dates approach, please call Kathleen Hunter at (202) 245-7525.

With best wishes,

Sincerely,

  
Pete V. Domenici  
United States Senator

PVD:jtar



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20047

RECEIVED

MAR 21 1980

SUPT. OFFICE

Mr. Scott Childress, Superintendent  
Gallup-McKinley County Public Schools  
Gallup, New Mexico 87301

Dear Mr. Childress:

Thank you for your letters of February 28, 1980 to Dr. Tippeconnic, Judy Baker, and me, in which you outline cash flow and staff problems as they relate to the timing of the FY 80 Title IV, Part A grant process. This Office is extremely aware of the problem and has taken certain steps to help alleviate it. These steps, however, will not be sufficient to solve the total problem for this particular year (FY 80, school year 80-81).

For FY 80, our grant cycle has been delayed because of the issuance of new regulations. This was beyond our control. The FY 80 grant year will not begin until August 14, 1980. The FY 79 year ends on June 30, 1980. We are working toward the issuance of the grant award document in August 1980, but the actual funds for the programs will not be issued until approximately November 1, 1980. We are trying every thing possible to get the funds out as quickly as we can.

We have been in contact with the New Mexico State Department to see if it would be possible for the State Department to authorize expenditures even though the funds have not actually been received. This matter is still under negotiation.

Recently, a letter, dated February 14, was mailed to you outlining the process by which the FY 79 grant may be extended. If you choose, your current grant can be extended to August 13, 1980.

For FY 81, we are scheduling the total grant application process so that grant award documents would reach you in April and funds would be available by July 1.

This Office sincerely regrets these circumstances. If we may be of any assistance to you, please feel free to contact us.

Sincerely,

*Gerald E. Gipp*  
Gerald E. Gipp  
Deputy Commissioner  
Office of Indian Education



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20002

*Undated*

Mr. Ed Cole  
Assistant Director  
of Federal Projects  
Gallup-McKinley County  
Public Schools  
P.O. Box 1318  
Gallup, New Mexico 87301

Dear Mr. Cole:

Your budget amendment requested in your letter of April 11, 1980, has been reviewed by this Office.

As outlined in your letter you are requesting to allocate a portion of the 1979-80 project monies for personnel and fringe benefits for the months of July and August by 1979-80 Budget Extension.

*June 13, 79  
Bitter  
Conflict*

This request is not approved. Staff may not be kept on duty beyond the project period for general purposes.

Please refer to my letter of February 14, 1980, concerning summer extensions. A copy is enclosed for your convenience. Also, refer to our letter of February 26, 1980 in response to your letter of February 15, 1980 addressing this issue.

If you feel your project qualifies for extensions as outlined in my letter, please submit a request prior to May 30, 1980, or as soon as possible. Please be advised that all requests must be accompanied by appropriate budget summaries of line item transactions balancing increases and decreases in monies; justifications for expenditures need to be clarified by brief narrative; the enclosed certification sheet also accompanies budget revisions.

APR 24 1980

(M-1)



Page 2 - Mr. Ed Cole

If you have any questions, please feel free to contact your program specialists for your area, Kathleen Hunter, Berrita Parker, or Ed Simermeyer on telephone (202) 245-9159 or (202) 472-4214.

Sincerely,

*Judy K. Baker*  
Judy K. Baker  
Branch Chief  
Division of Local Educational  
Agency Assistance  
Office of Indian Education

cc: Donna Becenti  
Donald D. Smith

Enclosures



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON D.C. 20002

RECEIVED

MAY 9 1980

SUPT. OFFICE

Scott Childress  
Superintendent  
Gallup-McKinley County Public Schools  
Gallup, New Mexico 87301

Dear Mr. Childress:

This letter is in response to yours of April 28, 1980, requesting a budget extension for summer, 1980. Budget extensions may be approved for the following purposes:

- (1) To carry out a summer school component which was approved in your original application. } out

Gallup-McKinley does not have an approved summer component in their FY'79 grant application. The project was approved to run for twelve (12) months from July 1, 1979 to June 30, 1980.

- (2) To complete objectives which had been approved in the original application. This is allowable when there is a valid reason for not completing these objectives, such as staffing problems, weather conditions or other circumstances that resulted in lost staff time.

It is evident from your requested budget revision of April 1, 1980 that you did experience lost staff time because you anticipate approximately \$27,244.00 to be remaining in your personnel line item as of June 30, 1980. } ?  
*No - the position was not filled.*

- (3) To complete administrative functions related to the FY'79 grant application. This would be used to justify } maybe

If the LEA is eligible for an extension under either (2) or (3) above, please submit the following:

- (1) A brief statement of project objectives and activities which were not completed, the reason why, and an approximation of time it will take to complete these.
- (2) A brief statement of administrative activities which remain to be completed and length of time needed to complete.
- (3) A HEW 608T form showing budget changes by line item.

BEST COPY AVAILABLE

page 2 - Mr. Scott Childress

- (4) A budget narrative which clearly indicates the proposed extension budget.

|                             |                            |                                 |
|-----------------------------|----------------------------|---------------------------------|
| Original<br>approved budget | Budget<br>to June 30, 1980 | Budget<br>from July 1, 1980 to- |
|-----------------------------|----------------------------|---------------------------------|

We cannot approve an extension to carry out new objectives or activities related to a grant not yet approved. Your letter of April 28, 1980 indicates that this is the intent. If inservices for Title IV Part A staff, as approved in your original grant, was not completed for valid reasons, it could be completed on an extension.

If there is difficulty completing an objective with students during the mid summer, because of vacation schedules, these can be completed in last summer/early fall, prior to the initiation of activities approved in your new grant award for 1980-81.

Please Note:

- (1) There is no carry over funds authorized for Title IV, Part A. This means you may not overlap 79-80 funds with 80-81 funds.
- (2) All 79-80 funds must be obligated before the starting date for your 80-81 grant award.
- (3) No 1979-80 funds may be obligated past September 30, 1980.

We hope this assists you in preparing your budget extension.

If we can be of further assistance, please contact your Program Specialists. Ms. Kathleen Hunter, Mr. Ed Simermeyer, or Berrita Parker on telephone (202) 245-2673 or 245-8300.

Sincerely,

*Judy K. Baker*

Judy K. Baker  
Branch Chief  
Division of Local Educational  
Agency Assistance  
Office of Indian Education

RECEIVED

MAY 9 1980

MAIL ROOM

PETE V. DOMENICI  
NEW MEXICO

United States Senate  
WASHINGTON, D.C. 20510

RECEIVED

MAY 5 1980

SUPT. OFFICE

April 29, 1980

Scott Childress  
Superintendent  
Gallup-McKinley County Public Schools  
Gallup, New Mexico 87301

Dear Scott:

Thank you for promptly informing me about the discrepancy between the funding dates of my last letter and the letter from the Office of Indian Education.

In our discussions about the release of funds, we were given the date of August 14, 1980 without being told that this date actually relates to the issuance of the grant award document which is not the same as the release of funds.

As I am sure you would expect, we called to clarify this matter and were informed that, while the actual federal funding would not flow until November, as you were told by HEW, there is a concerted effort to encourage state education agencies to forward funds to school districts based on a guarantee of federal funding. For specifics, however, you are best served by contacting the State Office to see if such an arrangement is (1) possible under existing regulations, and (2) probable in terms of willingness to participate.

I hope this clears up your valid concerns. If I can be of further assistance, please let me know.

With warm regards,

Sincerely,

  
Pete V. Domenici  
United States Senator

PVD:jtr



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20002  
MAY 1 1980

RECEIVED

MAY 5 1980

SUPT. OFFICE

Mr. Scott Childress  
Superintendent  
Gallup-McKinley County  
Public Schools  
Gallup, New Mexico 87301

Dear Mr. Childress:

Thank you for your letter to Secretary Hufstadler concerning the delay in funding under Part A of Title IV (Indian Education Act) for the 1980-81 school year and the subsequent problems for the school district.

Dr. Gerald Gipp, Deputy Commissioner of the Office of Indian Education, which administers this program, is aware of the problem and is taking steps to alleviate it. The Office of Indian Education (OIE) is working toward August 14, 1980 as a deadline for issuing the grant award documents to school districts approved for Part A funding. Because the actual funds for the program will probably not be released until approximately November 1, 1980, OIE has been in contact with the New Mexico State Department of Education regarding the possibility of the State Department of Education's authorizing your school district to begin its Indian education program at the beginning of the school year even though the funds for the program have not actually been received. This matter is still under negotiation.

STATE?  
help?

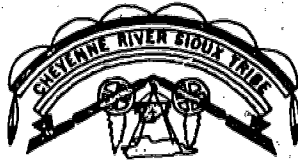
In reply to your concern about the regulations, it was necessary to revise the regulations governing Indian Education Act programs to implement the amendments to the Act contained in Public Law 95-561 (the Education Amendments of 1978). The proposed regulations were published on June 29, 1979, and we expect the final regulations to be published in late spring.

I regret any problems that may be caused by the delay in funding and assure you that we will make every effort to alleviate such problems to the greatest extent possible.

Please let me know if I may be of further assistance.

Sincerely,

William L. Smith  
U.S. Commissioner  
of Education



## Cheyenne River Sioux Tribe

Box 590 Phone 964-4155  
EAGLE BUTTE, SOUTH DAKOTA 57633

Kenneth H. West  
CHAIRMAN

Arleen Thompson  
SECRETARY

Mona R. Codomo  
TREASURER

August 26, 1980

Honorable Carl D. Perkins, Chairman  
House Committee on Education and Labor  
2328 Rayburn House Office Building  
Washington, D.C. 20515

### TRIBAL COUNCIL

MADDERICK HIGH ELE  
District No. 1

SEN ELE EAGLES LE  
District No. 2

BOB CHASING HAWK  
District No. 3

LEVI BUNS AFTER  
District No. 4

ANGELINE AFFAIR OF HAWK  
District No. 5

CARL MAKES HIM FIRST  
District No. 6

VICTOR ON THE TREE  
District No. 7

ROBERT BLUE COAT JR.  
District No. 8

DAVID JAMES  
District No. 9

GILBERT MARSHALL  
District No. 10

JAMES CLAYMORE  
District No. 11

LARRY LA PLANT  
District No. 12

LEONARD DUCHENEAUX  
District No. 13

JOAN LE BEAU  
District No. 14

Dear Congressman Perkins:

This letter is written to express Cheyenne River Sioux Tribal support of the Office of Indian Education, and in lieu of oral testimony, this letter is respectfully submitted as written testimony.

Throughout our associations with the Office of Indian Education, O.I.E. has consistently supported our efforts to provide quality educational services to American Indian students on the Cheyenne River Sioux Reservation. The Cheyenne River Sioux Tribe has experienced an on-going, positive relationship with the Office of Indian Education. Dr. Gerald Gipp, Assistant Secretary-Indian Education, and O.I.E. staff have been most cooperative in providing excellent technical assistance to our Tribe throughout the past few years.

To be specific, the Office of Indian Education has been responsive to our educational needs on the local level and has directly assisted Cheyenne River Sioux Tribal members through Title IV-A, in the school system. In addition, Cheyenne River Community College, our Tribally-chartered post-secondary institution, received funding through Title IV-B for a three year Teacher Training Project which will train our own Tribal members as teachers.

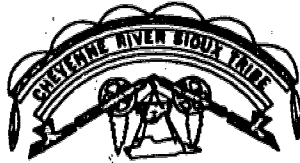
The Office of Indian Education has been effective in dealing with all levels of education by serving as an advocate for educational institutions serving Indian people, through coordination and management of educational efforts, and especially through its hard work in securing funding for Indian education throughout the nation. Furthermore, the Tribe expresses utmost confidence in Dr. Gerald Gipp, who has provided effective leadership in the Office of Indian Education. Dr. Gipp is committed to Indian education and through his efforts, O.I.E. continues to safeguard treaty obligations in the area of education for Indian people.

The Cheyenne River Sioux Tribe wholeheartedly supports the continued operation and funding of the Office of Indian Education, under the direction of Dr. Gerald Gipp, Assistant Secretary - Indian Education.

Sincerely,

*Kenneth H. West*  
Kenneth H. West, Chairman  
Cheyenne River Sioux Tribe

The blue represents the Thunder clouds above the world where live the Thunderbirds who control the four winds. The rainbow to left the Cheyenne River Sioux people who are the keepers of the Most Sacred Gull Pipe, a gift from the White Buffalo Gull Messenger. The eagle feathers at the edge of the rim of the world represent the sacred eagle who is the protector of all the Lakota. The two pipes fused together are for unity. The pipe to find the Lakota, the other for all the other Indian nations. The yellow lines represent the Sacred Song, which shall not be broken. The Sacred Gull Pipe handle is red - represents Lakota - the Sacred Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major colors. The blue is for harmony, and the green for Mother Earth.



## Cheyenne River Sioux Tribe

DEPARTMENT OF EDUCATION

Box 900 Phone: 605-864-8408  
EAGLE BUTTE, SOUTH DAKOTA 57825

August 26, 1980.

Honorable Carl D. Perkins, Chairman  
House Committee on Education and Labor  
2328 Rayburn House Office Building  
Washington, D.C. 20515

Dear Congressman Perkins:

This letter is written to express Cheyenne River Sioux Tribe Department of Education support of the Office of Indian Education, and in lieu of or testimony, this letter is respectfully submitted for the record as written testimony.

Throughout our associations with the Office of Indian Education, O.I.E. has consistently supported our efforts to provide quality educational services to American Indian students on the Cheyenne River Sioux Reservation. The Cheyenne River Sioux Department of Education is pleased to say that we have had an on-going, positive relationship with the Office of Indian Education. Dr. Gerald Gipp, Assistant Secretary-Indian Education, and the O.I.E. staff have been most cooperative in providing excellent technical assistance throughout the past few years.

More specifically, the Office of Indian Education has been most responsive to our educational needs at the local level by directly assisting Indian students through funding of Title IV- Part A in our school system. In addition, Cheyenne River Community College recently received word of first year's funding through Title IV- Part B for a three year Teacher Training Project to train Cheyenne River Sioux Tribal members as teachers in the secondary and elementary levels. We are excited about this new educational opportunity and we feel that these kinds of projects must continue to be funded in the future.

The Office of Indian Education has proven to be one of the more effective central offices dealing with all levels of education by serving as an advocate for Indian people and educational institutions serving Indian students, through coordination and management of educational efforts, and especially through its hard work in securing funding for Indian education throughout the nation. Furthermore, the Tribal Department of Education has the utmost confidence in Dr. Gerald Gipp who has provided effective leadership in the Office of Indian Education. In our estimation, Dr. Gipp is truly committed to Indian education and through his efforts, O.I.E. has blossomed into an office which is seeing that the federal government fulfills treaty responsibilities in the area of Indian education.

Without hesitation, the Cheyenne River Sioux Tribal Department of Education wholeheartedly supports the continued operation and funding of the Office of Indian Education, under the direction of Dr. Gerald Gipp, Assistant Secretary - Indian Education.

Sincerely,

*Francine Garreau*  
Francine Garreau, Tribal Education Director  
Cheyenne River Sioux Tribe

The blue represents the thunder clouds above the world where live the thunderbirds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are the keepers of the Most Sacred Gift Pipe, a gift from the White Buffalo Gull Medicine. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all the Lakota. The two pipes fused together are, for utility, one pipe is for the Lakota, the other for all the other Indian nations. The yellow banner represent the Sacred Arrow, which shall not be broken. The Sacred Gift Pipe Bundle is red represents honor. Tanaka - the Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven, and the green for Mother Nature.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20304

Dr. Gene Hancock  
Assistant Superintendent  
for Instruction  
Lawton Public Schools  
P.O. Box 1009  
Lawton, Oklahoma 73502

Dear Dr. Hancock:

I want to thank you for the time that you set aside to visit with Lloyd Elm while he monitored your Indian Education Act program during the week of March 10, 1980.

In most part, Mr. Elm found the Lawton Public Schools project to be in compliance with the Federal Law and the corresponding Rules and Regulation that govern the programs.

During the two days that Mr. Elm was in your school district he monitored two of the target schools where you provide services to Indian students through your Indian Education Act grant. This included sessions where he had the opportunity to personally interview several of your Indian Education Act staff, and the entire Parent/Student Committee. In addition, arrangements were made for him to visit with a group of about 25 students during the first afternoon.

The following paragraphs include the program objectives that were reviewed, an analysis of the activities implemented to carry out the objectives, and recommendations for program improvement or compliance with the law and the Rules and Regulations.

- (1) Objective: Counseling - Each high school will be assigned a counselor to work with the Indian students to help meet their special educational needs. Each counselor will also help sponsor an Indian club and direct activities of the students. Included are the corresponding objectives as listed on page 13 of the Approved Application



Page 2 - Dr. Gene Hancock

Analysis: Each of the target schools that Mr. Elm visited included counseling as a major activity in their program. The counseling was directed toward attendance problems, behavior problems, and parental costs problems. However, in one case the counselor had been assigned some basketball responsibilities that inhibited him from delivering the most effective and complete counseling services.

Recommendation: That the assignment of any regular school responsibilities to any Indian Education staff person be planned so that it does not inhibit the delivery of Indian Education Act services.

- (2) Objective: Career awareness experiences - Students from each of the high schools will be placed in work experience situations in local businesses and agencies. Included are the corresponding objectives as listed on page 13 of the approved application.

Analysis: The interviews of four high school participants in this program component provided all positive feedback. However, the direct educational benefits deriving from this program component is questionable. This question is based partially on, the number of students being served by this component, and whether or not the students being served have the severest special educational need. Mr. Elm noted that salaries were paid to students for on the job experience. This is not an allowable cost.

Recommendation: This component should be restructured to meet the needs of children with the most severe educational needs, and that the practice of salary payments be stopped.

- (3) Objective: Tutoring - Tutoring is available on a one-to-one basis for all students grades K-12.

Analysis: Each of the target schools visited included tutoring as a major activity in their program. The referral method of identification and delivering of tutorial services appeared to be meeting this objective adequately.

Recommendation: None

- (4) Objective: Indian Cultural Activities - To instill pride in the Indian students through Indian Cultural programs.

Analysis: During the visit Mr. Elm did not have the opportunity to observe any Cultural Activities. However, the project Director and the Parent/Student Committee presented documentation (announcements and pictures of activities) that showed activities had been carried out to meet this objective. The actual

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Page 3 - Dr. Gene Hancock

Analysis Cont: events that have taken place and a description of the events that are planned appear to adequately meet this objective.

Recommendation: None

- (5) Objective: Parental Cost Activities - includes: assistance with school supplies, eyeglasses repair and replacement, athlete insurance, and other needs - to be specified in writing to the Project Director.

Analysis: Each of the target schools visited included a Parental Cost activity as a major part of their program. The method of requesting this aid, and the criteria set for its administration, appear to be meeting this objective adequately.

Recommendation: None

Summative Analysis: The program activities observed, in most part, addressed the objectives of your approved program design. However, there are several compliance issues that must be addressed at this point.

1. The serving of non-Indian students at one of the target schools visited.
2. It was reported that on occasion Indian Education staff people were being required to provide services that should be the responsibility of the local effort. (Such as hall duty, lunch room duty, bus duty, etc.)
3. It was noted that Indian Education staff positions have been altered, or eliminated, causing program and budget amendments without the previous consent of the Parent/Student Committee.

Summative Recommendations:

1. Section 186a.1 of the Rules and Regulations explicitly state that "programs under this part provide assistance to projects to meet the special educational and culturally related academic needs of Indian children." There exists no legal authorization to service non-Indian students in either the Law or the Rules and Regulations. Therefore, in order for the project

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Page 4 - Dr. Gene Hancock

Summative Recommendations Cont:

- to maintain strict compliance with the law, it is recommended that the LEA prohibit the direct service to non-Indian students by Indian Education Act staff people.
2. Section 186a.21 of the Rules and Regulations state, in part, that; "a grantee may not use grant funds to supplant those, state, local, or other Federal funds." Therefore, we are recommending that the school district prohibit the Indian Education Act staff people from providing services that are the responsibility of the local effort.
  3. Section 186a.51 of the Rules and Regulations state, in part, that; "It is the responsibility of the LEA to - (b) consult with, and involve the Parent Committee in, all phases of the project;" and, "(f) secure the Parent Committees written approval of the project application, ... amendments to the application before they are submitted to the Commissioner."

In conclusion, that with the exceptions noted the Lawton Public Schools Indian Education Act program is, programmatically and through your Parent/Student Committee, meeting the intent of the law.

Please respond, within thirty (30) days of the date of this letter, to the recommendations contained in this letter.

If you have any questions relative to this Report, please do not hesitate to contact Lloyd Elm on (202)245-9159.

Sincerely,  
*Edy W. Baker*  
 Edy W. Baker  
 Branch Chief  
 Division of Local Educational  
 Agency Assistance  
 Office of Indian Education

cc: Ms. Delores Twohatchet

BEST COPY AVAILABLE

May 23, 1980

Dr. Gerald Gipp  
Office of Indian Education  
F. O. B. 6, Room 2167

Dear Dr. Gipp:

It has been brought to my attention that the funds provided for the Title IV Program are being considered for redistribution. In my opinion this would be a major mistake. Many students would not have the opportunity to gain on the job training which is provided by the Career Awareness Program. This program furnishes the chance to experience a job and the responsibility that is required to carry it out.

I am speaking from experience, having participated for two years as a dance instructor under the Title IV Program in Lawton Public Schools, the employment opportunities which can be experienced are much wider than what would be provided if the funds were redistributed. An incentive is produced when a person is allowed to participate in an activity which he or she could dream about. This incentive gives a person the will to advance further than what would be provided if he had never been exposed to the occupation.

I have been instructing students in dance for four years, two of those years were the result of the Title IV Program. After I had finished my senior year, that summer I was offered two jobs as an instructor, one at the place I was employed under Title IV and another at a new studio opening in town. I have not lacked a job because of the experience I gained. A chance to experience a profession such as this is rare, but was created for me because the employer might not have had the expenditures to hire another assistant. Also, as a direct result of my expanded learning as a teacher, I am employed as a professional dancer at a former home and historical encampment of my ancestors.

Dr. Gipp, I realize I am only one person and you have many other things to tend to, however, I feel that you should know that in my heart this program has helped many people. Please keep this in mind when you are deciding this issue.

Sincerely yours,

R. H. Hawana Huvuni Bradley

AMENDMENT TO TESTIMONY.....RUTH DIAL WOODS  
ROBESON COUNTY, NORTH CAROLINA

Since preparing and submitting testimony for the Committee on Education and Labor, the following information has been received:

- 1) A response from Dr. Tom Minter, Assistant Secretary of Elementary and Secondary Education was received on Tuesday, September 2, one day prior to this scheduled hearing, and dated August 28, 1980. Dr. Minter's letter indicates that the Quality Review Form was utilized as a checklist or guide, to provide instructions and to make suggestions, however, this was not clarified in either the Program Cost Guide or the Quality Review Notices mailed to the Title IV Part A grantees. Additionally, Dr. Minter's letter does not specifically address the questions raised in the original letter, and indicates that a letter will be forthcoming. Upon checking with both Mr. Swett and Mr. Dial, neither of us had the understanding that our letter of inquiry would not be addressed until the end of the Quality Review Process.
- 2) FY 80 Grant Award packets were received one day prior to this hearing on September 2, together with copies of EDGAR and new Title IV Part A Rules and Regulations, however, response to the letter of inquiry did not accompany the package which called for a budget revision within the next sixty days to address certain conditions. Two cultural enrichment trips directly related to program components for participants enrolled in specific components as instructed by the OIE Program Cost Guide, were disallowed due to "cost effectiveness." One trip costed out at \$160/student and another at \$170/student, amounts much below the cost effective figure in other similar compensatory education programs for meaningful educational services. The current FY 80 grant award provides \$107.30 rate of entitlement for the 8,726 Indian students certified in our school district. The FY 79 grant award was \$95.75.

Without targeting of funds for special educational and cultural enrichment programs, little meaningful educational services can be provided, and as is readily apparent, the limited amount of funds are well below the established norm of other programs and services. If we are to measure impact, then cost effectiveness must also take into consideration the level of needs, the amount of funds available, and the types of programs and services needed to make an impact.

3) A quick spot check with North Carolina grantees just prior to departure for these hearings, indicate that the yet unresolved questions needing clarification and rulings from general counsel are urgently needed in order for projects to comply with the conditions set forth in the FY 80 grant awards regarding parental and parent committee responsibility in program design and prioritization of needs, specific guidelines in determining "cost effectiveness," clarification of unallowable activities and expenditures, and many of the same issues and concerns which have been raised earlier this summer.

DEPARTMENT OF EDUCATION  
GRANT AND PROGRAM MANAGEMENT DIVISION  
WASHINGTON, D.C. 20202  
NOTIFICATION OF GRANT AWARD

Rec'd 4/2/81 L.A.S.

|   |   |                                       |     |
|---|---|---------------------------------------|-----|
| 1. GRANTEE NAME AND ADDRESS<br><br>ROBESON COUNTY BOARD OF EDUCATION<br>ROBESON COUNTY SCHOOL DISTRICT<br>PO BOX 1338<br>LUMBERTON NC 28358 | 3. PROPOSAL TITLE<br><br>INDIAN EDUCATION TITLE IV, PART A, FY 80 | 6. GRANT NUMBER: NO08000374           |     |
|   | 4. AMOUNT OF AWARD:<br><br>\$926,337                              | 7A. CRS ENTITY #: 1-96800104-A1       |     |
| 2. MAKE CHECKS PAYABLE TO:<br><br>SAME AS ABOVE   | 5. PERIOD OF AWARD<br>FROM 08/14/80 THROUGH 06/30/81              | 7B. DOCUMENT #: NO08000374            |     |
|   |   | 7C. PROJECT NUMBER: 9344000330        |     |
|   |   | 8A. GRANT AWARD IS NEW                |     |
|   |   | 8B. PAYMENT METHOD<br>E.O. DIRECT PAY | 8C. |

9. THIS GRANT IS SUBJECT TO:

- THE AMOUNT OF THE GRANT AWARD AS SHOWN IN BLOCK 4 ABOVE. ALL ALLOWABLE COSTS MUST BE INCURRED WITHIN THIS BUDGET PERIOD AS SHOWN IN BLOCK 5. CARRYOVER FUNDS ARE NOT AUTHORIZED.
- (FOR MULTI-YEAR AWARDS ONLY) THE APPROVED PROJECT PERIOD OF THIS GRANT IS 34 MONTHS. THIS AWARD REPRESENTS THE FIRST 10 MONTH BUDGET PERIOD (BLOCK 5) OF THE APPROVED PROJECT PERIOD.
- THE FOLLOWING ARE INCORPORATED INTO THIS AWARD BY REFERENCE:
  - THE OBJECTIVES, ACTIVITIES, BUDGET ITEMS AND OTHER ASSURANCES GIVEN IN THE APPLICATION AS APPROVED.
  - THE APPLICABLE PROVISIONS OF 45CFR186, 188A OF THE INDIAN EDUCATION ACT REGULATIONS.
  - THE APPLICABLE PROVISIONS OF 45CFR100A, THE EDUCATION DIVISION GENERAL ADMINISTRATIVE REQUIREMENTS (EDGAR).
  - ATTACHMENT A OF THIS DOCUMENT.
  - ATTACHMENT B OF THIS DOCUMENT IF CHECKED IN THE FOLLOWING BOX ☒.
- UNLESS SPECIFICALLY APPROVED IN THE APPLICATION, THE FOLLOWING ARE NOT ALLOWED UNLESS APPROVED ACCORDING TO THE AMENDMENT PROCEDURE CITED IN EDGAR; 45CFR100A, APPENDIX B, SUBPART L, 74.103-105(B):
  - TRAVEL OUTSIDE OF THE SERVICE AREA.
  - CONSULTANTS.
  - EQUIPMENT RENTAL OR PURCHASE.
- THE SECRETARY RESERVES THE RIGHT TO TAKE SUCH ACTION AS IS DEEMED NECESSARY TO PROTECT THE INTEREST OF THE UNITED STATES GOVERNMENT IF REPRESENTATIONS MADE IN CONNECTION WITH THE APPLICATION ARE INCOMPLETE OR INCORRECT IN ANY MATERIAL RESPECT OR IF THE TERMS OF THIS GRANT HAVE NOT BEEN OR WILL NOT BE ACHIEVED.

*Multi-year, 34 months.*

|  |            |              |           |                            |  |
|--|------------|--------------|-----------|----------------------------|--|
| 10. GRANT AUTHORITY: INDIAN EDUCATION ACT P.L. 92-318 AS AMENDED   |            |              |           | PROGRAM SPECIALIST:        |  |
| CFOA: 13.5244  |            |              |           | ALICE FORD                 |  |
| APPROPRIATION  | FY & CAN   | OBJECT CLASS | AMOUNT    | AO331                      |  |
| 9100101  | 80 1000450 | 4115         | \$926,337 | PHONE NUMBER: 202-245-9199 |  |
| 11. NAME OF GRANTS OFFICER:<br>GERALD GIPP                         |            |              |           | 12. DATE<br>AUG 2          |  |
| SIGNATURE OF AUTHORIZED GOVERNMENT OFFICIAL:<br><i>Gerald Gipp</i> |            |              |           | 373                        |  |

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ATTACHMENT A  
INDIAN EDUCATION, TITLE IV, PART A  
FY 80

SPECIAL GRANT TERMS AND CONDITIONS

Grant Payment Schedule

Payments under this award will be made available by Treasury Check issued through the Department of Education Finance office. Payments will be made according to the following schedule:

Awards of \$50,000 or less will be issued in one payment upon grant award.

Awards of \$50,001 to \$100,000 will be issued in two equal payments; first payment upon award, second payment at the beginning of January.

Awards of \$100,001 and above will be issued in four equal payments; upon award and at the beginning of October, January and April.

The Office of Indian Education may administratively hold a grantee's payment for failure to submit required reports or application requirements. (45CFR100, Appendix B, Subpart M 74.113(b))

Grant Reporting Requirements

Grant recipients are required, as a condition of their award, to make a final performance and financial status report within 90 days after the completion of their project period or in the case of multi-year awards, within 90 days after the completion of each budget period.

The final performance report shall consist of a report of programmatic accomplishments on a report format prescribed by the Office of Indian Education and a copy of the independent evaluation of the project.

Submit an original and one copy of the performance and financial reports. Please ensure that the signature of the proper LEA official of the grantee appears on these reports.

Grant Amendment Requirements

Regulations governing programmatic and budgetary changes may be found in EDGAR, 45CFR Appendix B, Subpart L, 74:102-105(b).

All amendment requests must be submitted in writing at least 30 days prior to planned implementation of the requested amendment. Amendment requests must be signed by both the official LEA representative and the parent committee representative. Tribal controlled schools are exempt from the parent committee requirements.



## ATTACHMENT B

INDIAN EDUCATION, TITLE IV, PART A  
FY 1980GRANTEE: Robeson County NUMBER: 324

RESPOND ONLY TO THOSE CONDITIONS THAT ARE CHECKED:

- ☐ Our review of your application revealed deficiencies as listed below. An amendment to correct these deficiencies must be submitted within 60 days of the date of this award.

- ☒ Our review of your application revealed that it proposes unauthorized activities and/or costs that are not reasonable and necessary, or contains insufficient information to make this determination. The following deficiencies must be corrected within 60 days of the date of this award. (45CFR186a.30(b)(1)(i) and (ii))

1. No funds may be spent for the Research Trips to Washington, D.C. and New York. We do not find these trips reasonable or cost effective.
2. Consultants that serve as resource speakers, workshop coordinators, etc. cannot serve on the team to monitor and evaluate the program. They would not be independent of the project. Please indicate which capacity Mrs. Schriedbeck and Mr. Karpur will serve.
3. The number of persons budgeted to attend out-of-area workshops and conferences are excessive and not reasonable.

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No funds may be expended for out-of-area travel until the number of attendees have been reduced and submitted for approval. We recommend the number of attendees as follows:

- a) NIEA - 3 staff + 3 pc.
  - b) Title II - 3 staff + 3 pc.
  - c) Brigham Young, Provo, Utah - 4 staff
  - d) N.C. Unity Conference - 10 staff + 5 pc.
  - e) N.C. Consortium (2 meetings) 5 pc. each
4. Please rebudget the excess funds into other categories and submit for approval.

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Attachment A - OIE Memorandum accompanying Quality Review Notice

- B - Robeson County Letter of Inquiry to Alvin Ford, Program Specialist, dated June 17, 1980 and hand-delivered June 20, 1980
- C - Robeson County Letter to Dr. Tom Minter, Assistant Secretary for Elementary and Secondary Education
- D - Questions Regarding FY 80 Quality Review Form
- E - Questions Regarding OIE Program Cost Guide

References: Memorandum - Dr. Gerald Gipp, OIE September 28, 1979  
 Memorandum - Dr. Gerald Gipp, OIE January 29, 1980

Addendum - Overview of Robeson County Title IV Part A Indian Education Project



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON D.C. 20002

## ATTACHMENT A

Dear Applicant,

Thank you for the submission of your Title IV, Part A FY 80 grant application. Overall, we have found that applications for this year are superior to the ones that have been submitted in the past. Your time and effort is appreciated.

The staff review this year concentrated on the quality of the needs assessment, the project design, including the objectives, activities, and the evaluation. We also reviewed budgets for cost-effectiveness.

The purpose of this letter is to elicit additional material to further clarify or strengthen your application. Your submission of this additional material is critical, because your grant application may not be approved for payment without an acceptable and complete response. Keep the following information in mind when preparing your response:

- (1) 6-30-80 is the date by which your response should be postmarked for return to us.
- (2) \$ 936,837.00 is the final amount that your project is entitled for FY 80.
- (3) Any missing or incomplete forms, as indicated on the screening form, must be completed and returned. This form will be included only when forms are missing or incomplete.
- (4) All items that are marked in the quality review form as necessary actions require a response.

Attached to this letter is the screening sheet, if appropriate, and the quality review form. The screening sheet indicates which forms are missing or incomplete. The quality review form will outline our questions on your application and the items for which corrections or explanations are necessary. Please review this form carefully and address all necessary items.

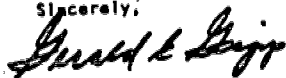
If the objectives of your application must be re-written, we have also included an objective outline to use as a guide. Please use one of these forms for each objective.

In addition, the necessary budget revision forms are enclosed. Please complete an amended budget to reflect the final amount for your FY 80 application. Incorporate into this revision any corrections to questionable budget items that may be cited in the quality review form.

If you have any questions, please feel free to call the specialist assigned to your area.

Thank you in advance for completing these items. We are holding to the August 14 deadline date for release of grant awards so it is vital that this information be returned as soon as possible, but definitely within the time frame given. Without your reply, your grant application may not be certified for payment.

Sincerely,



Gerald Gipp  
Deputy Commissioner  
Office of Indian Education

ATTACHMENT B

## Robeson County Board of Education

P. O. BOX 1222  
 LUMBERTON, NORTH CAROLINA  
 27056

OFFICE OF SUPERINTENDENT

June 17, 1980

Ms. Alice Ford, Program Specialist  
 Office of Indian Education  
 PDB 6 Room 2167  
 400 Maryland Avenue S.W.  
 Washington, D. C. 20202

Dear Ms. Ford:

Enclosed please find the Robeson County Title IV Part A Indian Education Project - Response to Quality Review Form - OE 330A (FY80). This information is submitted for your review and consideration in further negotiation and final review of this project application. An attempt has been made to address each of the comments and necessary action in order to meet the requirements of the Office of Indian Education.

We have several questions relative to the overall review of the above project application, and would like to request additional clarification to both assist us in better understanding our local policies and procedures for planning, developing and implementing the Title IV project, as well as to increase our understanding of the questions raised during the Quality Review of our Title IV Part A application. Specifically:

- (1) The rules and regulations state that the LEA will, in cooperation with the Title IV Part A Parent Committee and the Indian community, initiate procedures to plan, develop and implement a program of academic and culturally-related educational activities designed to increase educational opportunities and meet the identified needs of Indian children in a particular school district. Recommendations for improvement are in order, however, to require necessary action which negates this responsibility providing that all procedures have been implemented in compliance with the Title IV rules and regulations, in our opinion, exceeds the authority of the quality review process and thereby infringes upon the rights and responsibility, by the rules and regulations, of the Indian community and the Parent Committee to identify, assess, prioritize and participate in planning and developing, as well as implementation, of educational programs and services needed for Indian students;
- (2) The requirement of OE 743 Indian preference in June, 1980 after the publication of Title IV Rules and Regulation on May 21, 1980 in the Federal Register for projects "serving primarily non-federally recognized Indian students" is a violation of the interpretation and legislative intent of the Title IV Rules and Regulations. Furthermore,

Ms. Alice Ford

-2-

June 17, 1980

if Title IV projects have in the past utilized Indian Preference and been supported in this policy, what has been legal in the past should continue to be legal in future policies.

- (3) At the October, 1979 Title IV-A East Coast Conference, guidelines and models were distributed and participants received staff orientation and training thru workshops for the development of project objectives, as well as instructions in preparation of project applications. However, the format utilized in accordance with this particular model was deemed unacceptable during the Quality Review Process and a revised model was provided with less than thirty days in which to redesign objectives and to resubmit them to the Office of Indian Education. The Quality Review Form was not received by the Robeson County Project until after June 1 and does not provide for thirty days as outlined in the procedures stated by Dr. John Tippecanoe in a Memorandum dated January, 1980 indicated that thirty days would be provided for response.
- (4) The necessary action to eliminate a replica of a college course for high school students which meets the requirements for both an "academically related and culturally-related educational activity and which negates previous action by Memorandum of Agreement dated May 6, 1977 between the Robeson County Board of Education and the Office of Indian Education relative to a directive that "all cultural enrichment trips must be directly related to Indian history and culture" would appear to contradict the intent of the authorized activities and use of funds as outlined in the Title IV rules and regulations. Additionally, the research skills component proposed by the Quality Review Form to be eliminated is also an academic and culturally-related activity in which a student develops additional academic skills and utilizes those skills in conducting historical research directly related to local Indian history and culture and provides for site visits to institutions and agencies to enhance skills development.
- (5) The Title IV project already faces a mandate to avoid supplanting of funds and activities, whether local, state or federal. The necessary action to re-design a career education program which has been developed to avoid supplanting and at the same time provides for meeting special needs of Indian students while providing increased educational experiences and opportunities makes further demands upon the project and does not cite statutory authority which deems this activity allowable and unauthorized as an activity of Title IV. The recommendation to concentrate on drop-outs fails to consider the innovative and creative approaches to attacking problems through other Title IV Part A activities to curtail drop-out rates.
- (6) In accordance with EDGAR, revised copies of which incidentally have not been forwarded to Title IV projects by the Office of Indian Education, our interpretation of procedures for procurement services require that all such procurement in excess of \$5,000 requires prior approval and that any such contracts, subcontracts and services under that amount would not require solicitation of bids, advertising, and other procedures as outlined in EDGAR.

Ms. Alice Ford

-3-

June 17, 1980

- (7) The Project application specifies, in accordance with the rules and regulations, that local resources and talents will be utilized to the maximum extent feasible, however, we cannot locate statutory provisions which exclude utilization of other resources when it is deemed that these resources and talents are not available and can enhance the ability of the grantee to conduct a successful activity. Neither can we locate any statutory reference to particular geographical location of sources for procurement services as a consideration in such utilization and selection. Also, in reviewing the Title IV rules and regulations, we interpret the localizing of educational approaches based on the culture and heritage of the Indian children served for Demonstration Projects with no such localizing statutory provisions for Entitlement Projects, and broadly interpret this statement to provide Indian students an opportunity to identify with Indian history and culture on a national level as well as to reinforce local Indian history and culture. Such interpretation is well-founded in reviewing the National Evaluation of Title IV Project conducted in 1977 which indicated that needs of Indian students, regardless of geographic location, federal status or other socio-economic factors were generally the same throughout the country and in all Title IV projects.
- (8) The LEA closely monitors out of area travel in accordance with local and state regulations governing such travel, however, we feel that the restriction of one (1) trip to Washington, D.C. is unrealistic due to the size and scope of the Robeson County Title IV project. All such travel will be directly related to Title IV and Indian Education for both project business as well as supportive efforts for Title IV. We feel that the costs for three (3) trips as proposed are allowable just as much so as costs for national conferences related to issues and concerns of Indian Education.
- (9) The program cost guide which is referred to in the Quality Review Form was received less than two weeks prior to the deadline for submittal of FY 80 project applications. It was also noted that the cost guide did not "have the force of law." We would like to request statutory citations regarding stipends to participants, awards for competitive contests designed primarily for Indian students, and which are awarded directly to Indian students as well as the unallowability of educational programs combined with work experience which do not duplicate or supplant other similar type programs.
- (10) The directives included in the cost guide as well as the requirement to restrict curriculum modification efforts only to Indian students is contradictory to General Counsel's ruling that "as long as services are not diluted to any Indian student, services may be rendered to non-Indian students."



Ms. Alice Ford

-2-

June 17, 1980

Again, we wish to state that these questions are posed in the spirit of seeking a better understanding of our role in planning, designing and implementing meaningful and realistic academic and culturally-related educational programs and services for Indian students enrolled in the Robeson County School District, and it is hoped that our request for advice, interpretation, and counsel will be accepted in the spirit in which it is intended.

Furnell Swett, Superintendent  
Robeson County Board of Education

Woodrow Dial, Chairperson  
Title IV Part A Parent Committee

POST OFFICE BOX 1114  
Lumberton, North Carolina 28356

ATTACHMENT C

July 17, 1980

Dr. Tom Minter, Assistant Secretary  
Elementary and Secondary Education  
U.S. Office of Education  
Washington, D. C. 20202

Dear Dr. Minter:

During the FY 80 Project Application Process for Title IV Part A Indian Education Act projects, several changes were implemented in order to conform with proposed Title IV Part A Rules and Regulations. Additionally, the Office of Indian Education initiated a different procedure for screening and review of FY 80 Project Applications which involved a Quality Review Process by the Office of Indian Education staff. Technical assistance by the Office of Indian Education was provided in the fall of 1979 to further assist projects in adjustments to changes and policies. In spite of this, projects have overwhelmingly received Quality Review Notices which reflected considerable deficiencies in the project applications.

The extent to which projects were required to respond to the noted deficiencies were untimely due to the fact that many projects do not operate during summer months, it was extremely difficult to call into session Title IV Part A Parent Committees during vacation periods and summer months for program and budget revisions, and some projects were still trying to establish summer programs and activities through extension of FY 79 grants.

All of the comments requiring necessary action were not supported by statutory regulations, and in the opinion of many of the projects, required responses which exceeded the statutory provisions and regulations as not listed as specific criteria for funding.

Attached please find a copy of a letter of inquiry which was forwarded to the Office of Indian Education together with a Response to the Quality Review Form for the Robeson County Title IV Part A Indian Education Project. To date, we have received no response to the questions and requests for clarification and opinions.

It would be most helpful if you could assist us in resolving these issues which greatly impact the implementation of Title IV Part A

Dr. Thomas Minter

July 17, 1980

projects which are expected to be funded in August for operational phase-in at the beginning of the school term.

Sincerely,

*Ruth Dial Woods*

Ruth Dial Woods  
Director

cc: The Honorable Charles G. Ross III  
The Honorable Robert Morgan  
The Honorable Dale E. Kildee  
The Honorable John Melcher  
The Honorable Carl Perkins

## ATTACHMENT D

QUESTIONS REGARDING THE QUALITY REVIEW FORM UTILIZED IN FY 80 REVIEW  
OF TITLE IV PART A INDIAN EDUCATION PROJECTS

The Quality Review Form utilized in the FY 80 Quality Review Process of Title IV Part A Indian Education projects has created several issues in the planning, development and preparation of FY 80 project applications and the ability of local projects to implement the FY 80 programs with minimal difficulties under severe time restraints already placed on projects due to a delay in the FY 80 funding cycle. Additionally, the Quality Review Form, apparently exceeded the legal and statutory requirements of PL 874-16 and the Title IV Part A rules and Regulations in the following specific areas:

Point 1  
Review of needs assessment methods indicated a deficiency for projects which had not included information on and assessment of "drop-out rates, academic achievement levels, and standardized test scores."

Section 186.a.21 of the rules and regulations, part (b) states: In making this determination, the applicant shall consider dropout rates, academic achievement levels, standardized test scores, or other appropriate measures..."

All projects in North Carolina utilized formal survey instruments to assess needs of Indian students and thereby met the statutory criteria of "other appropriate measures." Some projects received deficiency comments due to lack of participation of teachers in needs assessment. Section 186.a.21 of the rules and regulations does not specify categories of persons to be involved in the needs assessment other than through the parent committee - Section 186a.41(b) of which teachers are members. The by-laws of Title IV Part A Parent Committees govern responsibility of Parent Committees who have the authority to decide the powers vested in parent committee members. When a Parent Committee approves a needs assessment process or a needs assessment instrument, this constitutes local sanction of the Title IV Part A Parent Committee in deciding how the needs assessment will be conducted, the process for reaching the larger Indian community, and the extent to which teachers of Indian students will be involved, including voting or non-voting privileges, limitations on Indian or non-Indian teachers, and desirability of teacher input into needs assessment.

Consideration of wide variety, validity and size and nature of population assessed as listed in items 3 and 4 of the Quality Review Form - Needs Assessment are not criteria for funding in the rules and regulations.

Each of the points above exceed the legal authority and requirements as criteria for funding as set forth in PL 81-874 and Title IV Part A rules and regulations, and therefore exceed the legal authority of the Office of Indian Education in requiring response to these items prerequisite to funding.

Point 2

Section 186a.22(a) of the Rules and Regulations states specific information to be included in the design of a project. The rules and regulations imply that proposed objectives and activities must be designed based on the needs assessment, however, the rules and regulations do not require that the "project design address the assessed needs as prioritized" as listed in Item 1 - Project Design. In some instances, reviewers made comments and recommendations, including directives, based on their assessment of supporting data, a direct conflict of responsibility of the LEA and the Parent Committee in identifying, assessing and prioritizing needs. It is also possible that some priorities might be addressed through other programs and services since the needs assessment should be designed to assess the needs of Indian students whether or not they can be met through Title IV Part A projects to better guide the school district in developing a responsive educational program.

The requirement of design to directly address the assessed needs as prioritized has neither statutory authority nor interpretative authority in the Title IV Part A rules and regulations.

Point 3

Technical assistance provided by the Office of Indian Education at national Title IV Part A conferences included the distribution of sample applications which included sample charts for developing project objectives, activities, responsibility assignments, timelines and evaluation design to meet criteria listed in 186a.22 Project Design of the Title IV Part A Rules and Regulations. Projects in North Carolina utilized this format and all projects were directed after quality review to "revise objectives, state in measurable terms, number of participants and expected results" in addition to "activity plans and timelines," information which was not previously requested on the samples distributed during technical assistance conferences or mentioned as being required.

A new format for developing project objectives was provided with quality review notices which does not meet the specific criteria in 186a.22 to the extent that the first samples do so.

The indecisiveness or change in instructions given at regional technical assistance conferences should have been made available to projects prior to the review process and in a timely manner to provide ample time for revisions prior to submitting project applications.

Point 4

North Carolina projects submitted organizational charts on Form OE 748 D-19 as instructed, however, projects were repeatedly asked to respond to plan for administration of the project.

Organization charts included on OE 748 D-19 together with job descriptions and responsibility assignments in initial charts of objectives, activities, responsibilities, timelines and evaluation design should have been sufficient evidence of a plan for administration of projects.

Additionally, Title IV Part A rules and regulations do not specify any criteria by which multi-year projects are to be considered, and provisions in EDGAR 100a.250 relate to program grants/awards and are not realistic for entitlement grants.

Of six questions listed under Budget, the only one directly relevant to specific criteria for funding in 100a.204 EDGAR is #4 which addresses item costs as appropriate, reasonable and cost effective and #1 - costs related to objectives and administration.

However, EDGAR 100a.200 (c) Formula Grant Programs indicates that 100a.202-100a.206 are not used to evaluate applications under formula grant programs, and that the appropriate official applies the program statute and regulations to fund projects under a formula grant program.

Budget breakdowns with the degree of specificity reviewed by the quality review process and comments and necessary action related to allowable costs under OIE and OE were not supported with statutory reference, or administrative guidelines in the Rules and Regulations, and result in discretionary powers. References were made to the OIE Program Cost Guide which does not have the force of law and represents discretionary opinions which often contradict interpretation of statutes and administrative guidelines, represent policy changes on which hearings have not been conducted and testimony has not been received, and do not provide for official opinions of General Counsel.

#### ADMINISTRATION

Plan for coordination with other appropriate projects is required, however, there were repeated inferences and comparisons made to Title I programs and services which failed to consider that specific socio-economic and academic criteria is utilized in certifying participants in Title I programs and made assumptions that all Indian students should automatically meet this criteria. Reviewers failed to appropriately consider the integrity of the LEA in planning programs and activities to avoid supplanting. Comments and required action required comparisons of gains utilizing two different approaches, utilizing non-professional staff compared with professionally trained staff and direct suggestions to utilize specific levels of gain to superimpose unrealistic and irrelevant pressure on projects to avoid supplanting but at the same time conform to standards of an existing program.

Such comments and action regarding justification should be restricted only to those projects which fail to explain by narrative the differences in approach and personnel and should refrain from making assumptions that all Indian students are eligible for Title I.

Point 5 "

Several projects received comments relative to authorized activities. Section 186a.10 lists authorized activities suggested, but also indicates that "permissible services and activities include, but are not limited to..." and in 81.87h is restated in 186a.10 (a) and (b). The law and the rules and regulations require that activities be designed to meet special educational and culturally-related academic needs of Indian students.

The disallowance of proposed activities in the quality review notices were not documented by either statutory reference, administrative rulings, or general counsel opinions, and constitute arbitrary and capricious decisions which circumvent the process of program planning and development in consultation with the Parent Committee and the Indian community.

Point 6

Item 5 under Program Design refers to breadth and scope of objectives to adequate address needs.

When objectives related to needs and capable of being achieved within the project period are not criteria for funding, item 5 above is not addressed or specified in the Title IV Part A rules and regulations.

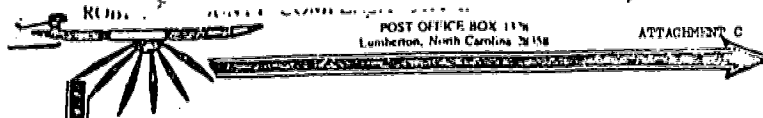
Almost all of the North Carolina projects received comments and necessary action requiring programs to restrict their activities to values, heritage and traditions of the local Indian community and tribes represented in the service area.

Such comments and restrictions fail to recognize the concept of the national Indian community with communalities in values, heritage and traditions. is in contrast to activities in 186.a. "authorizing instruction in tribal heritage, Indian history and political organization - current affairs, tribal relations with local, state and federal government, and perpetuates the isolation and fragmentation of Indian tribes and communities from positive concepts and associations with American Indian national culture.

Item number 7 - Project Design - projects were required to justify need for multi-year projects.

Title IV Part A is an entitlement program and criteria for funding is not legally based on a need index. Testimony in support of this change in policy was for program continuity, long-range planning, and minimal administrative burdens in annual planning and program development.

More than one half of the Title IV Part A grantees in N.C. stated that projects were being requested for multi-year funding to provide for long-range planning, continuity of program services, more effective planning and coordination, and sequential provision of program activities and services. Most of the projects indicated that objectives were designed for project years 1, 2 and 3, however, because objectives were not listed separately for each of the years (although they remained constant in many projects), projects were directed to revise objectives for each year when perhaps the only change occurred in date of start-up and completion, items which would have been corrected in continuation applications during the multi-year funded time span.



July 17, 1980

Dr. Tom Minter, Assistant Secretary  
Elementary and Secondary Education  
U.S. Office of Education  
Washington, D. C. 20202

Dear Dr. Minter:

During the FY 80 Project Application Process for Title IV Part A Indian Education Act projects, several changes were implemented in order to conform with proposed Title IV Part A Rules and Regulations. Additionally, the Office of Indian Education initiated a different procedure for screening and review of FY 80 Project Applications which involved a Quality Review Process by the Office of Indian Education staff. Technical assistance by the Office of Indian Education was provided in the fall of 1979 to further assist projects in adjustments to changes and policies. In spite of this, projects have overwhelmingly received Quality Review Notices which reflected considerable deficiencies in the project applications.

The extent to which projects were required to respond to the noted deficiencies were untimely due to the fact that many projects do not operate during summer months, it was extremely difficult to call into session Title IV Part A Parent Committees during vacation periods and summer months for program and budget revisions, and some projects were still trying to establish summer programs and activities through extension of FY 79 grants.

All of the comments requiring necessary action were not supported by statutory regulations, and in the opinion of many of the projects, required responses which exceeded the statutory provisions and regulations as not listed as specific criteria for funding.

Attached please find a copy of a letter of inquiry which was forwarded to the Office of Indian Education together with a Response to the Quality Review Form for the Robeson County Title IV Part A Indian Education Project. To date, we have received no response to the questions and requests for clarification and opinions.

It would be most helpful if you could assist us in resolving these issues which greatly impact the implementation of Title IV Part A

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July 17, 1980

Dr. Thomas Minter

projects which are expected to be funded in August for operational phase-in at the beginning of the school term.

Sincerely,

*Ruth Dial Woods*  
Ruth Dial Woods  
Director

cc: The Honorable Charles G. Rose III  
The Honorable Robert Morgan  
The Honorable Dale E. Kildee  
The Honorable John Malcher  
The Honorable Carl Perkins

## ATTACHMENT E

QUESTIONS REGARDING THE OFFICE OF INDIAN EDUCATION  
PROGRAM COST GUIDE

The program cost guide was received in mid-March, less than 30 days before the deadline for submittal of FY 80 project applications. As a result, this necessitated program and budget revisions at the end of the project application process when time was essential resulting in re-scheduling of Parent Committee meetings, re-interpretations of programs at the last minute, and lack of opportunity to seek clarification and general counsel opinion.

Page 2, Item 6. That project activities must benefit only Indian students and that at least 95% of the recipients must be Indian children is contrary to general counsel rulings and Section 503(b) of the Indian Education Act.

Item 3. Culture "should address the culture of the area". Localized culture is not specific in the rules and regulations.

Page 6, Item 2. Field Trips.

The restrictions do not provide for meeting special needs of special populations - i.e. urban Indian students to traditional culture ceremonies, festivals, and to Indian reserves to better understand their heritage and history as urban Indian people; non-federally recognized Indian students to Indian reserves and other Indian communities who have been historically, politically, culturally-isolated in rural areas; trips to participate in culturally-related programs, activities and events, including traditional pow wows for Indian students who do not live in areas where these activities are frequently celebrated and readily accessible. Such trips have equal educational value as well as cultural value as do trips to Washington, D.C. and to amusement and recreation facilities, zoos and other similar school trips.

Limitations on field trips are not specified in the rules and regulations and are considered culturally-related and educational activities. Limitations infringe upon the rights and responsibilities of the local Indian Parent Committee and the Indian community to determine project objectives and activities. On page 3484 of Comments during hearings on proposed rules and regulations, Response states "local communities are in the best position to judge cultural relevance of particular project objectives and activities."

Page 7 Field trip to pow wows are of cultural significance, and can also be educational enrichment experiences. They are not social activities other than in the context of a social custom within the Indian culture.

The specificity required in budget details including purpose of trip, number of persons attending, destinations hampers flexibility of projects, results in poor planning and will necessitate unnecessary budget revisions which can impede program administration and operations.

Page 9 - Business related expenses. Dinner meetings of the Parent Committee are business related expenses, not social functions, while conducting official business related to the project. Rules and regulations provide for inherent and expressed powers of this committee, many of whom receive no remuneration for time or travel to officially conduct business necessary to the success of Title IV projects. When dinner meetings are planned as part of a business meeting, costs should be construed as business-related expenses.

Pages 9-10. Non-allowable costs for activities which are designed to motivate Indian students and which serve as incentives for student performance and accomplishment fails to adequately consider the increased opportunities and benefits to Indian students which are not provided by any other program and the "increased educational opportunities for Indian students" due to their lack of participation, cultural and social isolation, and lack of competitive opportunities with non-Indian students in other related programs and activities. When such activities are specifically designed to achieve increased services and opportunities for Indian children, they do in fact meet authorized activities in 186a.10 of the rules and regulations. Such costs are related to project objectives designed to meet educational and culturally-related academic needs of Indian students and are not to be construed as either social activities or gratuities.

Page 10 - Refer to comments from page 9, business-related expenses.

Page 11 - Any consideration of costs for parent committee travel and training should be considered on a case by case basis with appropriate consideration given to such factors as size of parent committee, type of training to be provided, and objectives of travel and training and impact on improved performance of parent committee and project administration. LEAs and parent committee should have integrity to decide such factors.

Page 12 - Non-allowable costs for in-service training. Rules and regulations specify in Section 186.5(1) that the LEA must give preferences and opportunities for training.... The Program Cost Guide restricts in-service to areas of duties or responsibilities specifically in job descriptions and at the same time, disallows training with credentialing to increase opportunities for continued employment and career advancement of Title IV Part A personnel in school districts. Costs for in-service training for non-Title IV Part A staff such as teachers and principals is also considered unallowable costs which demonstrates a lack of understanding for the need to retrain both Indian and non-Indian teachers in identifying and assessing special needs and developing methods and approaches for more effective educational programs and services to Indian students. The Office of Indian Education argues that it is the responsibility of the school district to provide in-service, however, if the same school district is neither knowledgeable or responsive to needs of Indian children, how can the school district effectively in-service personnel? Insofar as the need for in-service

to increase educational opportunities and services to Indian children exists, such needs should be addressed by Title IV Part A projects to develop and guide school districts into more effective in-service programs for meeting these special needs of Indian students. Title IV Part A projects can be instrumental in impacting this area by virtue of their existence within the framework of the overall organization structure of the school district. Additionally, given the opportunity to do so, the long range benefits/results in increased educational opportunities and services for Indian students can be far-reaching in meeting such needs, as: increased awareness and sensitivity to special needs and cultural differences; unique and innovative approaches to improved teaching methods; increased understanding of culture bias and stereotyping; increased commitment to inclusiveness to attack isolated peer group relationships and increased efforts to more meaningful and relevant educational experiences for Indian students. Such emphasis can only be implemented by Title IV Part A projects within integrated public schools due to the social and political implications of such in-service programs and activities.

Page 12 - Student salaries and work-experience programs.

Costs for these items have been deemed unallowable, however, the Title IV Part A rules and regulations nor the Act itself prohibit such educational experiences as long as they do not supplant other programs and services, consequently, statutory provisions for this opinion are not provided. In April 4, 1978, Memorandum from General Counsel's Legislative Division, opinion was related to Part C Adult Basic Education programs. Vocational education programs for Indians are restricted to 7(b) Indian tribes, bands and groups, consequently, no such programs are available to non 7(b) Indian students. CETA programs require specific eligibility based on socio-economic factors which restrict such opportunities to a specific population. Career awareness, training and orientation are important needs of Indian students which could be met with Title IV Part A funds and especially for Indian students where no other such opportunities are available, and also meet the criteria for special educational needs of Indian students in the context of social, academic, personal and occupational skills and total growth and development.

Proposed activities should be considered on a case by case basis in determining whether these opportunities are in fact available to Indian students through other programs and services; whether or not the need has been established; consideration of legal authority of local community and Parent Committee to establish need and plan program, and should avoid interpretations that all Indian students are eligible for participation in other programs and activities which have varying degree of criteria for eligibility.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20208

SEPT. 28, 1979

Dear Grantees:

This letter is to provide you with a status report on the Indian Student Certification (506) form used to establish student eligibility under the Indian Education Act, Part A, entitlement program for local educational agencies. The form is used to determine the number of Indian students enrolled in the public schools of your district, and, consequently, the amount of funds to which the district is entitled.

Because the Education Amendments of 1978, P.L. 95-561, require certain information to be requested on the form, we have had to substantially revise the form. The process of drafting, administratively clearing, and printing the revised form is taking far longer than we had hoped. Consequently, we do not expect to mail the revised forms to you until approximately November, 1979.

In order to ensure that you have sufficient time to distribute and collect the forms, I have decided not to require the use of the revised forms until the fiscal year 1981 grants process. However, when the new forms are available, we will ask each district to distribute and collect them as soon as possible. It will be particularly important for the district to have on file a completed form (as revised) for each child whose eligibility is being established for the first time this year.

For the fiscal year 1980 grants process, for which applications are due in early Spring, 1979, please notify us, in writing, of the correct count by October 31, 1979.

Please be reminded that it is the responsibility of the school district to ensure that each child included in its count is an Indian as defined in the Indian Education Act. It is also the responsibility of the district to ensure that it has on file a current 506 form, or other document that has been approved by this Office, for each child included in its count. The Indian Education Act provides that any falsification of information provided on the district's application for funds under Part A is punishable by impoundment of unused funds and ineligibility for receiving any future entitlements under the Act. Information provided by a school district on the number of Indian students enrolled in its schools is considered to be an integral part of its application.

The revised 506 form will also be used, for the coming year only, in conjunction with a study and analysis of the definition of Indian being carried out by the Assistant Secretary for Education. This effort is required by the Education Amendments of 1978. It will be most helpful if completed forms are sent in to the Assistant Secretary by May 15, 1980. Further instructions on this process will be sent to you at a later date.

If you have any questions about the items discussed in this letter, please feel free to call your program specialist. I appreciate your cooperation in this entire process.

Sincerely,

*Gerald E. Gipp*

Gerald E. Gipp  
Deputy Commissioner  
Office of Indian Education



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF EDUCATION  
WASHINGTON, D.C. 20202

January 29, 1980

Dear Superintendent:

This letter is to provide you with further information on the Indian Student Certification (OE 506) form used to establish eligibility under the Indian Education Act, Part A, entitlement program for local public school districts. As you may recall, copies of the revised 506 form, accompanied by a letter of explanation and instructions, were sent to you in October, 1979. The form is used to determine the number of Indian students enrolled in the public schools of the district, and, consequently, the amount of funds to which the district is entitled.

The revised form and accompanying instructions have raised many questions concerning the certification of Indian student eligibility under the Part A program. Unfortunately, questions concerning membership in a tribe, band, or other organized group of Indians are often very complex and cannot be answered in simplistic terms. Situations and circumstances vary widely, leaving you in a difficult position when explaining the revised form.

The new 506 form was developed by the Office of Indian Education, which administers programs under the Indian Education Act, in response to the mandate of Congress in Public Law 95-561, the Education Amendments of 1978. That law requires the Commissioner of Education to request certain information on the student eligibility form, including the name of the tribe, band, or other organized group of Indians with which the child, parent, or grandparent claims membership; the enrollment number establishing membership (where applicable); the name and address of the organization responsible for maintaining membership data for the tribe, band, or other organized group; and an indication of whether the tribe, band, or other organized group of Indians is federally recognized.

The Education Amendments of 1978 contain no substantive change to the Indian Education Act's definition of Indian, nor is the revised form intended either to change that definition or to prevent any eligible students from being included in a district's count of Indian students. The revised form is designed, however, to ensure that individuals who do not meet the statutory definition of Indian are not included in a district's count.

In addition to requiring that certain items appear on the form, the Congress required that the Assistant Secretary for Education, in consultation with Indian tribes, national Indian organizations, and the Secretary of the Interior, supervise a thorough study of the definition of Indian in the Indian Education Act and report to the Congress in 1980.

Page 2

The study, which is in progress, includes an examination of many issues concerning the definition. In particular, and in order to provide the Congress with comprehensive information on who is being served by the Indian Education Act, the study will include an identification of the total number of Indian children being served under Part A of the Act and an identification of the number of children eligible and served under each of the four clauses of the definition. The Assistant Secretary will not change the current Indian Education Act definition of Indian, but rather will identify and evaluate the consequences of various options in the report to Congress.

Thus, the new 506 form has two purposes. First, it will be used to establish the school enrollment count of Indian children under Part A of the Indian Education Act. Except for a student whose eligibility is being established for the first time this year, the Office of Indian Education will not require the use of the form for this purpose until the fiscal year 1981 grants process (approximately January 1981).

It is the responsibility of the local education agency (LEA) to ensure that an individual student eligibility form is on file for each student included in the count of Indian students on which the amount of an entitlement is based. The LEA is also responsible for making the initial determination as to whether or not the information submitted by the parent on the 506 form is acceptable.

The second purpose of the form, for this year only, is to collect data for the Indian definition study described above. School districts have been requested to submit this information to the Assistant Secretary for Education by May 15, 1980. Please submit only copy 3, Parts 1 and 2 of the form. This copy is perforated so that these Parts can be removed from the rest of the form. Please block out the names of any individuals that appear on the copy to be submitted, such as the name of the child's parent or grandparent in the first item under Part I.

Explanations of particular items concerning the revised 506 form are provided as follows:

#### Part I - Membership Information.

##### Question C. What is the individual's membership number?

This question is to be answered only when the tribe, band, or other organized group in which membership is claimed uses some type of numerical identifier for its members. All federally recognized tribes and Alaska Natives use identifiers for their members. Many State-recognized tribes and other non-federally recognized tribes also use numerical identifiers for their members. The information is to be provided for the child or, if the child is not a member, for the parent or grandparent through whom the child claims eligibility.

Two of the most common terms used for tribal identifiers are "enrollment number" and "allotment number." These are the two terms expressly stated on the 506 form.



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Other terms and acceptable identifiers could include the following: tribal census number, membership number, tribal voting registration number, or roll number.

If the person completing the form does not have this information, he or she should request it from the tribe, band, or organized group of Indians for which membership is claimed or from the Bureau of Indian Affairs. If the numerical identifier is not received by January 1981, the LEA should continue to count the students and provide evidence that followup (preferably a second letter) to obtain the information has occurred. If the numerical identifier cannot be obtained, it is acceptable to have on file an official BIA or tribal certification.

Question D.1. Is there an organization which maintains membership data for the tribe, band, or other organized group?

If the tribe is federally recognized (including Eskimos, Aleuts, or other Alaska Natives), the answer to this question is "Yes." This is also true of some State-recognized tribes and other non-federally recognized tribes.

If the answer to question D.1. is "yes," then the name and address of the organization should be given under question D.2. The Bureau of Indian Affairs maintains a list of federally recognized tribes and their addresses. A copy of this list may be obtained by writing to:

Public Information Officer  
Bureau of Indian Affairs  
Department of the Interior  
Washington, D. C. 20245

If the answer to question D.1. is "No," then question D.2. must be answered. In answering this question, the person completing the form should be able to provide such information as the following:

- (1) An explanation of how membership is determined by the tribe, band, or organized group of Indians in which membership is claimed;
- and
- (2) A description of the documents or other evidence demonstrating that the person for whom membership is claimed meets the membership requirement, e.g., include copies of any proof of membership that may be available, such as letters of recognition from the tribe, band, or group; a birth certificate; family bible records; or other information that clearly establishes that person's membership or descendency.

Page 4

Vague and unsubstantiated explanations such as, "I've always been told I was Indian," are not acceptable.

The Smithsonian Institution, 1000 Jefferson Drive, S. W., Washington, D.C. 20560, has published a handbook of American Indians North of Mexico, which contains a listing of many tribes. In addition, many libraries contain other reference books which also list Indian tribes.

Other sources of information and assistance in identifying tribes are the Indian organizations which are located in most urban areas. Colleges and university Indian organizations may also be of assistance.

In addition to the above information, the following information is provided in answer to some of the most common questions about the 506 form and the Indian Education Act definition of Indian:

1. Are Indians of Canadian, Mexican, or South American ancestry eligible under the Title IV program?

In general, it is the practice of the Office of Indian Education to include, under clause (1) of the statutory definition, a tribe, band, or other organized group of Indians that is, or was, indigenous to an area that is, in whole or in part, within what is now the United States. However, individual situations must be dealt with on a case-by-case basis.

2. What about membership numbers for members of tribes whose rolls were closed prior to the birth of a grandparent through whom eligibility is claimed?

Even though the membership rolls have been closed, most tribes maintain membership identification methods, such as tribal voting cards. Such identifiers may be used instead of an enrollment number.

3. What if a child is adopted or has been placed in a foster home?

Because of adoption or placement agency practices or legal restrictions, some of the information requested by the form may not be available to adoptive or foster parents of Indian children. In such a situation, the person completing the form should provide all requested information that is available and attach to the form (or provide under

Page 5

question D.3) an explanation of how the child meets the definition of Indian. A statement that the adoption or placement agency has informed the adoptive or foster parents that the child is Indian is sufficient.

4. Under the first clause of the definition, may membership be claimed for a great-grandparent?

No. Membership may only be claimed by the child, a natural parent, or a natural grandparent.

5. Whose responsibility is it to obtain the necessary information if the parent does not have it at hand?

It is the responsibility of the parent. The Office of Indian Education may provide help on possible sources for obtaining the information. However, the actual responsibility for obtaining the information rests with the parent.

6. What if eligibility cannot be demonstrated?

If, by the date that final enrollment counts are due (approximately January, 1981), all efforts to demonstrate a child's eligibility are unsuccessful, the school district may not include the child in its count.

7. Is an Indian organization, Indian club, or other similar group considered an "organized group of Indians" for purposes of the Indian Education Act's definition of Indian?

No. In general, it is the practice of the Office of Education to regard as an "organized group of Indians" an ethnically and culturally identifiable group of Indians, indigenous to the territory of what is now the United States, and which has been in substantially continuous existence throughout the history of the United States. However, individual situations must be treated on a case-by-case basis.

8. What is meant by "falsification of information" under Part III of the form?

This phrase refers to a person's knowingly giving false information on the form. The penalty for falsification of information is that the child for whom the form is submitted cannot be included in an enrollment count under the Part A program at any time in the future.

Page 6

9. Why does the 506 form request information on federally and non-federally recognized tribes (Part I, item B)?

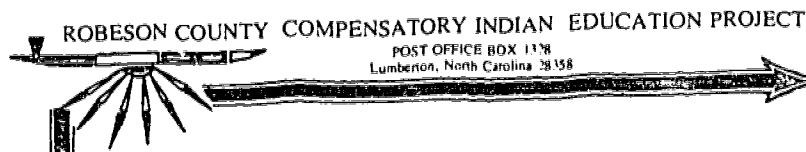
The Education Amendments of 1978, Public Law 95-561, require that the eligibility form ask whether the tribe, band, or other organized group of Indians in which membership is claimed is federally recognized.

I hope this information will be helpful to you. If you have further questions, please let me know.

Sincerely,

*Gerald E. Gipp*

Gerald E. Gipp  
Deputy Commissioner  
Office of Indian Education



ROBESON COUNTY COMPENSATORY INDIAN EDUCATION PROJECT

POST OFFICE BOX 1178  
Lumberton, North Carolina 28358

ADDENDUM

OVERVIEW OF ROBESON COUNTY TITLE IV PART A

INDIAN EDUCATION

PROJECT



## OVERVIEW OF TITLE IV PART A INDIAN EDUCATION

Robeson CountyI. GOALS AND OBJECTIVES

The principal objective of the Robeson County Title IV Part A Project is to provide supplemental educational and culturally-reinforcing educational programs and services to meet the special educational and cultural needs of 8,000+ Indian students enrolled in the twenty-seven project site schools in the Robeson County School District.

Based on annual needs assessments which both identify needs and serve to evaluate past project performance as measured by input from Indian educators, Indian parents and Indian secondary school students (grades 7-12) and Indian agencies, institutions and organizations, the following program components have been designed:

- A. Culturally reinforcing instructional services in music (band and chorus); creative arts instruction in traditional Indian arts and crafts (silvercraft, leathercraft, basketry and sewing skills); and cultural awareness programs featuring Indian consultants and experts designed to foster and promote Indian identity and group pride;
- B. Field and resource trips to increase student awareness of Indian history and culture and to provide opportunities for cross-cultural exchange;
- C. Curriculum modification to provide culturally-related instructional materials and to stimulate improved instructional strategies within the social studies curriculum;
- D. Individualized and small group tutorial assistance in the basic skills designed to improve student achievement and performance on standardized testing;
- E. Supportive counseling and academic coaching for individual and small groups including test orientation for competency testing, referrals for medical and dental services, student transportation and home-

school coordination;

- F. Parent Committee Orientation and Training to increase parent participation and involvement in educational decision-making, and
- G. Teacher education and staff development to increase the awareness of classroom teachers and project staff of the special needs of Indian students and to assist them in developing skills and innovative instructional strategies for more effective instruction to Indian children.

## II. PROGRAM ACCOMPLISHMENTS

Administration - As a result of an HEW Agency Audit in May, 1977, the Robeson County Project provided for centralized administration which has enhanced the visibility of the project within the total educational setting and which has provided for closer supervision and more effective program monitoring and evaluation.

A formal Final Report and Evaluation was developed in FY 77 and was distributed to NACIE Council and Members and was filed with ERIC-CRESS at their request. Similar distribution of formal reports has been followed in subsequent years.

The format of the Robeson County Indian Education Needs Assessment (RCIENA) was disseminated to East Coast Title IV Part A grantees in 1977; revised and implemented as a statewide model in North Carolina in 1978; has been adopted by New York and Alabama, and permission was requested by OIE in 1980 to disseminate the instrument as a national model.

The Title IV Part A Project has attempted to maximize the utilization of existing resources of local and state agencies and organizations, Indian and non-Indian, for expansion of program resources and assistance, including tribal organizations, health and welfare agencies, ANA and CETA grantees, and the N.C. State Commission of Indian Affairs.

Instructional and Supportive Services - Program components are designed to specifically address those needs identified through the annual needs assessment. Specific program components have been designed to focus on tutorial programs in reading and mathematics and literacy skills; paraprofessional counseling including home visits, student transportation for access to health and welfare agencies and private physicians and dentists and for Title IV Part A sponsored activities; academic coaching to high school students for increased performance on state required competency testing programs, including the development and printing of a Title IV Part A practice competency test; cultural enrichment programs for instruction in arts and crafts, the performing arts and related field and resource trips for increased awareness of Indian history and culture; summer enrichment opportunities for remedial instruction as well as increased educational opportunities for gifted and talented students to attend enrichment programs at state universities and colleges, and sponsorship of student representatives to meetings, conferences and seminars to foster Indian youth leadership and development.

Other Program Accomplishments

1. Parent Committee Involvement - In recognition of the importance of parent involvement in the education of children as well as program administration, the Robeson County Project has continuously focused on capacity building in the Indian community. Such focus is evidenced by the fact that over the past four years, the average attendance at Title IV Part A Parent Committee meetings has steadily increased although it has not reached a desirable expectancy level:



Average Attendance at Title IV Parent Committee Meetings

| (40 Member Parent Committee) |             |             |             |
|------------------------------|-------------|-------------|-------------|
| 1976                         | 1977        | 1978        | 1979        |
| <u>1977</u>                  | <u>1978</u> | <u>1979</u> | <u>1980</u> |
| 21                           | 25          | 25          | 29          |

Robeson County represents twenty-seven project site schools in a rural area with schools located as far as 45 miles apart. Intensive efforts have been made to increase attendance at Open Public Hearings. As can be seen from the following statistics, attendance has considerably improved during the past four years, peaking in 1977-1978, the first year in which Indian parents were allowed maximum opportunity (56% response rate) to participate in a needs assessment and the program planning and project application process, declining in 1978-1979 but still significant difference from the 1976-1977 figure, and a drastic decline in 1979-1980 which was attributed to inclement weather and delays in notices by individual mailings to Indian parents in the school district:

Attendance at Open Public Hearings

|             |             |             |             |
|-------------|-------------|-------------|-------------|
| 1976        | 1977        | 1978        | 1979        |
| <u>1977</u> | <u>1978</u> | <u>1979</u> | <u>1980</u> |
| 25          | 278         | 129         | 26          |

The Project continues to seek other alternatives for increasing involvement of the Indian community in addition to direct mailing to all Indian parents who have certified the eligibility of their children for Title IV Part A services through bulk-mailing, paid advertising for announcing the Open Public Hearing in local news media, and follow-up notices through the schools.

The involvement of Indian parents and the Indian community in educational decision-making is reflected in the Indian-controlled school board which is comprised of an Indian Chairperson and six other Indian board members on an eleven-member board, the appointment of an Indian Superintendent, and the fact that two of the board members are former Title IV Part A Parent Committee members prior to their election and appointment to the Board.

This high visibility of Indian participation and involvement can be directly attributed to expansive efforts in public relations through local news media and continuous dissemination of information to Indian parents on Title IV Part A and related educational issues and concerns.

2. Curriculum Modification. As a result of the increased focus on curriculum development and innovative instruction through the infusion of culturally-based instructional materials, the Robeson County Project has developed, piloted, and disseminated into the twenty-seven project site schools a multi-media curriculum kit for Indian Studies for grades K-5, 8 and 9 in keeping with the scope and sequence of the state approved social studies curriculum. This effort has been a collective one on the part of the N.C. State Department of Public Instruction, consultants, classroom teachers, LEA instructional supervisors and Title IV Part A project staff.

### III. ANALYSIS OF PROJECT EXPENDITURES

Two program components which evidence expanded and increased educational opportunities for Indian students have been selected for expenditure analysis:

#### Per Pupil Expenditures for Tutorial Component

|                       | <u>FY 77</u> | <u>FY 78</u> | <u>FY 79</u> |
|-----------------------|--------------|--------------|--------------|
| No. Participants      | 298          | 298          | 321          |
| Expenditures          | \$142,216.37 | \$101,032.85 | \$ 98,607.47 |
| Per Pupil Expenditure | \$ 477.24    | \$ 338.70    | \$ 307.19    |

#### Per Pupil Expenditures for Summer Enrichment

|                       | <u>FY 77</u> | <u>FY 78</u> | <u>FY 79</u> |
|-----------------------|--------------|--------------|--------------|
| No. Participants      | 18           | 20           | 30           |
| Expenditures          | \$ 7,495.00  | \$7,153.95   | \$ 17,042.39 |
| Per Pupil Expenditure | \$ 416.00    | \$ 357.69    | \$ 568.08    |

Per Pupil Expenditures for parental costs for medical and dental services for eligible Indian students who are not eligible for such services through other agencies and sources has also been analyzed. It should be noted that income criteria has been established and approved by the Title IV Part A parent committee for eligibility for these services.

Per Pupil Expenditures for Supportive Services  
IV-A Medical and Dental

|                       | <u>FY 77</u> | <u>FY 78</u> | <u>FY 79</u> |
|-----------------------|--------------|--------------|--------------|
| No. Participants      | 801          | 559          | 438          |
| Total Expenditures    | \$78,299.20  | \$49,298.29  | \$68,259.34  |
| Per Pupil Expenditure | \$ 97.75     | \$ 88.19     | \$ 133.01    |

An analysis of the Per Pupil Expenditures on the following chart for both Title IV Part A and the combined local/state effort reveals that the LEA is in compliance with grant funding requirements of the CFR 186a.42 limitation with regard to combined fiscal effort. Since the first grant award in 1973-1974, the combined effort from state and local funds has continued to rise. Over the seven year period, combined funding from these two sources has increased by 39% from \$668.39 in FY 73 to \$1,095.89 in FY 79. Over the same period, Title IV Part A per pupil expenditures have also continued to rise from \$64.27 in FY 73 to \$92.72 in FY 79, representing an increase of 31%.

NORTH CAROLINA

ROBEYSON COUNTY

TITLE IV PART A INDIAN EDUCATION

| <u>Fiscal Year</u>    | <u>Amount of Grant Award</u> | <u>Actual Expenditures</u> | <u>Indian Student Enrollment (OCR Report)</u> | <u>Title IV Student Census</u> | <u>Title IV Per Pupil Expenditure</u> | <u>State/Local Per Pupil Expenditure</u> |
|-----------------------|------------------------------|----------------------------|---|--------------------------------|---------------------------------------|--|
| 1973-1974             | \$487,430.99                 | \$484,416.88               | 7701  | 7537                           | \$ 64.27                              | \$ 668.39                                |
| 1974-1975             | 641,448.27                   | 641,448.27                 | 7863  | 7701                           | 83.29                                 | 768.30                                   |
| 1975-1976             | 548,063.39                   | 543,452.32                 | 7898  | 7863                           | 69.11                                 | 799.50                                   |
| 1976-1977             | 670,086.32                   | 592,222.50                 | 7997  | 7916                           | 74.01                                 | 854.81                                   |
| 1977-1978             | 722,927.16                   | 721,990.01                 | 8218  | 7970                           | 90.59                                 | 996.77                                   |
| 1978-1979             | 652,984.15                   | 652,586.57                 | 8008  | 7815                           | 83.50                                 | 1095.89                                  |
| 1979-1980             | 748,257.74                   | 724,739.12                 | 8008  | 7815                           | 92.74                                 |  |
| 1980-1981 (Projected) | 936,337.00                   |                            | *8786   | ** 8249                        |                                       |  |

\* Increase in Indian student enrollment due to consolidation of two school districts and two Title IV grants. \*\* Represents new OS 506 Certification.

|  | <u>1973-1974</u> | <u>1974-1975</u> | <u>1975-1976</u> | <u>1976-1977</u> | <u>1977-1978</u> | <u>1978-1979</u> | <u>1979-1980</u> |
|--|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Number of School Drop-Outs   | 306              | 300              | 330              | 305              | 272              | 293              | 366              |
| Number of High School Graduates  | 637              | 698              | 739              | 724              | 596              | 587              | 802              |
| Number Indicating Intent for Post-Secondary Education (Indian Students Only) | 200              | 256              | 327              | 275              | 430              | 392              | 207              |
| Average Daily Attendance   | 11584            | 11765            | 11719            | 11553            | 12039            | 12351            | 13708            |

In analyzing the data relative to school drop out rates for Indian students provides a strong argument for providing programs aimed at preventing Indian students from prematurely leaving school. In the Robeson County School District, Indian students represent 61% of the total student population. Over the past six years (FY 73 through FY 78) the drop-out rate had remained virtually static for Indian students while the national trend toward ever increasing drop-out rates continued to spiral. FY 79 saw Indian students join the national trend - in FY 78, 293 youth dropped out and in FY 79, 366 left school. This represents a 20% increase over a one-year period. Of the 366 who dropped out in FY 79, 259 were Indian. This means that 71% of all drop-outs were Indian. In FY 78, Indians comprised only 50% of all drop-outs. Further follow-up reveals that these students left school for the following reasons:

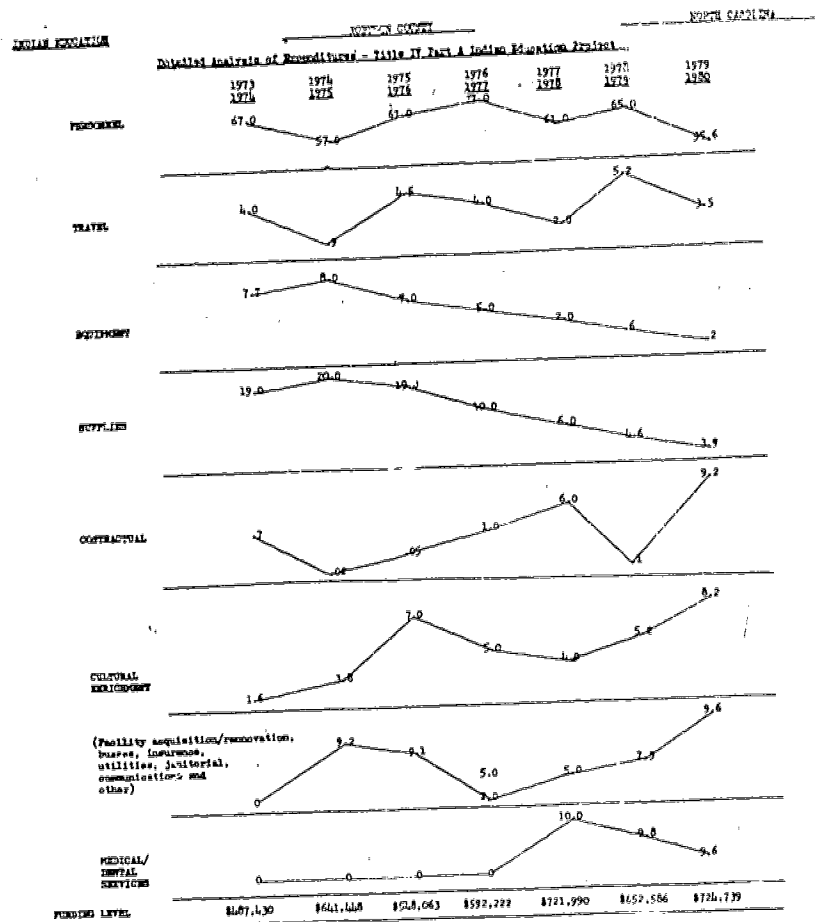
| <u>Number Students</u> | <u>Reason</u>                       |
|------------------------|-------------------------------------|
| 75                     | Economics                           |
| 207                    | Academics                           |
| 16                     | Enrollment in Extended Day Programs |
| 18                     | Marriage                            |
| 31                     | Pregnancy                           |
| 7                      | Expulsion                           |
| 4                      | Reformatory School                  |
| 2                      | Medical Reasons                     |
| 6                      | Other Reasons                       |
| <u>366</u>             |                                     |

Of the few Indian students who managed to graduate, only 26% indicated plans to further their education beyond high school, a fact which can be attributed to the high percentage of Indian student drop-outs and fewer graduates. A major factor in creating this alarming increase is the fact of the state required competency testing program for high school graduation which affects high school graduates and the lack of availability of financial assistance to Indian students for continuing their education.

From this analysis, it is clear that Robeson County Indian students are not gaining in access to opportunities to join the mainstream of American society, and documents the need for educational programs and services designed to increase student chances for experiencing academic success and to improve their ability to cope with other problems as they arise.

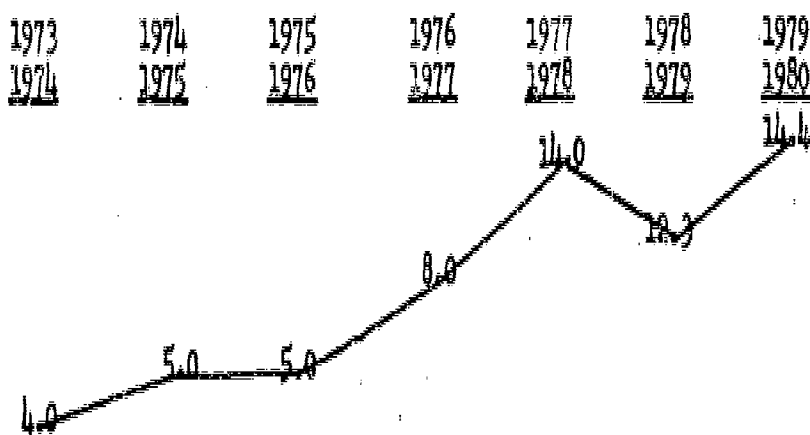
The following two charts provide for a close examination of Title IV Part A expenditures over the past several years and reveals that the project has successfully demonstrated sensitivity to the needs of Indian youth by providing program components and services which reflect the perceived needs of the Indian community as well as those indicated from archival data. Over this period, increasing amounts of project funds have been allocated and expended in: the development of a multi-media kit consisting of culture-based curriculum materials for integration into the social studies curriculum; supplemental instruction in the basic skills; accelerated instruction; increased supportive services, and increased supportive for creative and innovative activities and projects.

Over the same period, major emphasis has been placed upon expenditures in such a manner as to provide direct benefits and services to the Indian students as evidenced by decreased allocations for salaries and personnel, equipment, travel and maintenance while increasing expenditures for cultural enrichment and supportive services.

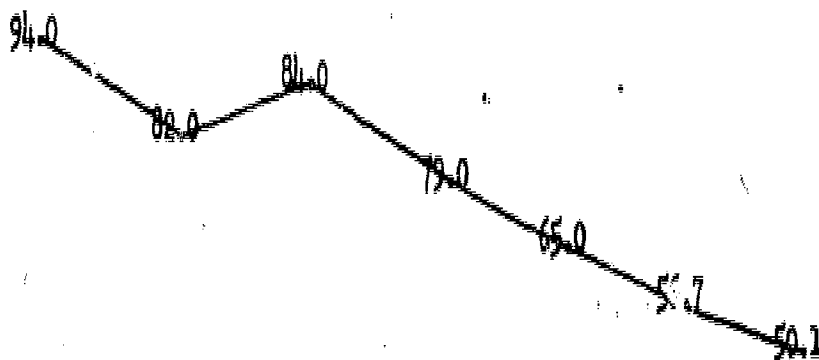


Title IV Part A Expenditures by Project Category

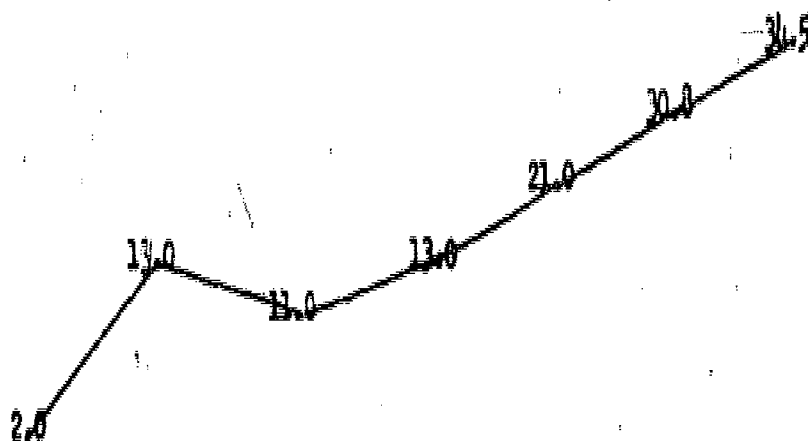
ADMINISTRATION



INSTRUCTIONAL



SUPPORTIVE



Funding Level

\$ 487,430   \$ 641,448   \$ 548,063   \$ 592,222   \$ 721,990   \$ 652,586   \$ 724,739



## OVERSIGHT HEARINGS ON INDIAN EDUCATION

FRIDAY, SEPTEMBER 5, 1980

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON ELEMENTARY, SECONDARY,  
AND VOCATIONAL EDUCATION,  
COMMITTEE ON EDUCATION AND LABOR,  
*Washington, D.C.*

The subcommittee met at 9:35 a.m., pursuant to call, in room 2261, Rayburn House Office Building, Hon. Dale E. Kildee presiding.

Members/present: Representatives Kildee, Kogovsek and Erdahl.  
Staff present: Alan Lovesee, counsel; Jeff McFarland, research assistant; Jennifer Vance, minority senior legislative associate; and Scherri Tucker, assistant clerk.

Mr. KILDEE. The subcommittee will come to order.

This meeting of the Elementary, Secondary and Vocational Education Subcommittee will continue our oversight hearings on the administration of part A of the Indian Education Act.

During the hearing on this topic which the subcommittee held on Wednesday, representative witnesses from title IV projects and Indian organizations testified. They recited problems with the administration of the fiscal year 1980 grant process which seriously impacted Indian parent participation and self-determination.

Today's hearing is intended to complete the record on the recent part A entitlement grant process by providing the Department of Education and the Office of Indian Education the opportunity to address the concerns which were raised on Wednesday and to inform the committee of their future plans for the administration of this extremely valuable program.

I want to stress that my sole purpose and only agenda in holding these hearings is to assure that Indian children in this country are getting the full advantage of programs enacted by Congress.

Title IV is a vital and needed program. Through identifying problems and formulating solutions and timelines, the Office of Indian Education, the Department of Education, and this committee can work together to enhance this program and enable it to better meet its objectives.

Dr. Minter, before we proceed with your formal testimony, the committee wishes to submit for the record copies of the June 3, 1980, memo I sent to you after our initial meeting, the July 3, 1980, memo which our respective staffs used as a discussion document, and the March 27, 1980, Office of the Inspector General report. The March 27, 1980, report provides a preliminary analysis of some of the management concerns which the Office of the Inspector General had regarding the Office of Indian Education.

(193)

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the original document was blank*

I wish to submit these documents for the record at this time to assist in the establishment of a complete record and counter some of the selective and rather incomplete information regarding this program which has been circulating.

The program is ill-served by selected, as opposed to objective, distribution of this information. Dr. Minter, would you care to comment on these documents at this time? If not, you may proceed with your formal statement.

**STATEMENT OF: DR. THOMAS K. MINTER, ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, ACCOMPANIED BY MARTHA KEYS, ASSISTANT SECRETARY FOR LEGISLATION; JOHN YAZURLO, ASSISTANT INSPECTOR GENERAL FOR AUDIT; CORA P. BEEBE, ACTING PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION; DR. GERALD GIPP, ACTING DEPUTY ASSISTANT SECRETARY FOR INDIAN EDUCATION; JUDY BAKER, ACTING ASSOCIATE DEPUTY ASSISTANT SECRETARY FOR INDIAN EDUCATION; BRIAN STACEY, ACTING BRANCH CHIEF, DIVISION OF LOCAL EDUCATIONAL AGENCY ASSISTANCE, OFFICE OF INDIAN EDUCATION; JACOB J. MAIMONE, GRANT AND CONTRACTING OFFICER, GRANT AND PROCUREMENT MANAGEMENT DIVISION; AND ALAN W. BROWNSWORD, ORGANIZATION DEVELOPMENT SPECIALIST, OFFICE OF ASSISTANT SECRETARY FOR MANAGEMENT**

Dr. MINTER. Thank you. I would not like to comment on the documents at this time. I believe that in the course of the morning they will certainly be referred to.

I would like to defer to Ms. Martha Keys who is at my left, a former colleague of yours and now Assistant Secretary for Legislation in the new Department of Education.

Mr. KILDEE. The Honorable Martha Keys. That is one title you keep with you for the rest of your life. You were indeed honorable even before you came to Congress.

**STATEMENT OF MARTHA KEYS, ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF EDUCATION**

Ms. KEYS. Thank you, Mr. Chairman.

I want to say on behalf of the Department, we appreciate your interest in this vital program. The efficient and effective delivery of services to Indian children is uppermost in the mind of the Secretary and of the other officials of the Department. We want to be excellent in this area so, we are happy to appear here at this hearing and are very appreciative of the interest that the committee has taken in this program.

I merely would like to introduce a man who needs no introduction, Dr. Minter, the Assistant Secretary for Elementary and Secondary Education. He will give the testimony for the Department and introduce others who are here to respond to your questions.

Mr. KILDEE. Thank you very much and we appreciate the cooperation and dialog with your office.

Dr. Minter.

STATEMENT OF DR. THOMAS K. MINTER, ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION

Dr. MINTER. I would like to introduce the members of the Department who are accompanying me. You have met Ms. Keys. Mr. John Yazurlo, Assistant Inspector General for Audit; Ms. Cora P. Beebe, Acting Principal Deputy Assistant Secretary for Elementary and Secondary Education; Dr. Gerald Gipp, Acting Deputy Assistant Secretary for Indian Education; Ms. Judy Baker, Acting Associate Deputy Assistant Secretary for Indian Education; Mr. Brian Stacey, Acting Branch Chief, Division of Local Educational Agency Assistance, Office of Indian Education; Mr. Jacob J. Maimone, Grant and Contracting Officer, Grants and Procurement Management Division; and Mr. Alan W. Brownsword, who has been the Organizational Development Specialist assigned to aid the program.

I have a statement and I would like to read it, though it is available in printed form, because I believe it sets forth our responses in an organized and cogent way. Following the statement, we certainly will be pleased to answer any questions you may wish to ask.

I am pleased to appear before you today to testify as a part of these oversight hearings on Indian Education.

As the Assistant Secretary for Elementary and Secondary Education, I have responsibilities within the Department of Education for the administration of approximately 25 separate Federal programs, including those under the Indian Education Act.

The programs for which I am responsible are organized into five major units, each headed by a Deputy Assistant Secretary. The programs authorized under the Indian Education Act are administered by one of those major units, the Office of Indian Education, under the leadership of Dr. Gerald Gipp.

As you know, this organizational arrangement for administering the Indian Education Act is new, established with the creation of the Department of Education on May 4, 1980.

When I assumed responsibility as Assistant Secretary, one of my first tasks was to become familiar with the organization, personnel, and programs under the Office of Indian Education.

In accomplishing that task, I have met with Office of Indian Education staff on several occasions, with the National Advisory Council on Indian Education as well as a study group it created to examine the administration of the program and, as you know, with you and your staff, Mr. Kildee.

As I have met with various groups, I have carried three central messages from our new department.

First, and foremost, Indian education is one of the Department of Education's top priorities.

The Secretary of Education has indicated this on several occasions, and our 1981 budget for the Indian Education Act, up 34 percent above the 1980 level, reflects our commitment.

Second, we believe that the new organizational arrangement will help create important links among different Federal programs serving Indian children and adults.

Within the Office of Elementary and Secondary Education, in addition to the Indian Education Act programs, we support compensatory education for disadvantaged Indian students, provide for the construction of school facilities for children residing on Indian lands, and compensate school districts whose revenues have been adversely affected by the presence of Indian lands.

Our third message is that we are deeply committed to an efficient and fair administration of all programs serving Indians.

As I understand it, the focus of this hearing is the administration of part A of the Indian Education Act. I would, therefore, like to sketch how we have operated in the past, as well as to indicate the recent actions the Department has taken to strengthen the overall administration of the program.

We have taken these actions on the basis of concerns raised by you, Mr. Kildee, and your congressional staff, as well as our own analysis of the needs of the program.

Although these actions are only part of the changes which we plan to make, they demonstrate our third message: the Department's commitment to a strong and fair administration of the Indian education program.

A major subject of these oversight hearings has been the 1980 application review process under part A of the Indian Education Act.

In our view the concerns, which have been raised about this process, address a fundamental dilemma related to the Federal administration of this program.

On the one hand, part A is a noncompetitive program with funds being provided on an entitlement basis. The size of grant awards is determined by the number of Indian children and State and local expenditures. Consistent with the principles of Indian self-determination, projects are designed at the local level to meet local needs.

On the other hand, we in the executive branch have legal responsibilities with respect to project approval. Not only must we assure that the projects which we fund meet procedural requirements, such as parent involvement, but we must also assure that these projects are of the highest quality and substantially increase the educational opportunities for Indian children.

We promote quality not merely as a guardian of the taxpayer's dollar, but because quality programs will result in improvements in achievement for Indian children.

Accomplishing our administrative responsibilities, while at the same time assuring that school districts and Indian parents have the flexibility to initiate and operate locally designed programs, is not an easy task.

It is important to keep this dilemma in mind as your committee examines the administration of the part A program as we both look for ways to improve future grant cycles.

The process used to review the part A applications this year was new. This process was initiated primarily as an effort to improve the overall quality of the projects we approve and our own determination that the review process used in prior years could be improved.

The determination to initiate a new process was made last summer on the basis of evidence which indicated project weaknesses.

For example, the General Accounting Office, in its report dated March 1977, stated that projects lacked measurable objectives, and added that it was the responsibility of the Office of Indian Education to assist in the development of these objectives.

Moreover, the Appropriations Committees have raised questions during budget hearings concerning the overall quality and effectiveness of the projects.

Our assessment of Public Law 95-561, the Education Amendments of 1978, was that Congress was asking that we develop more comprehensive surveillance systems to assure that this program is maintained at a high level of quality.

Finally, the experience of program managers in the Office of Indian Education, based on site visits and proposal reviews in prior years, also indicated that project weaknesses existed. Problems varied across grantees and included the excessive use of travel, the lack of comprehensive needs assessments, the failure to have clear objectives, and the absence of any plan for the evaluation of project effectiveness.

To address the concerns about quality, the Office of Indian Education instituted three major changes in the application process for the program.

First, technical assistance efforts were expanded to acquaint applicants with the new process, to explain new provisions in regulations, and to provide model materials for requirements in the grant process.

Second, a cost guide was provided to potential applicants as general guidelines for designing a project under part A.

Third, Office of Indian Education staff completed quality reviews of each application, and informed applicants of ways to strengthen the program to better improve the educational opportunities of Indian children, as well as any deficiencies in complying with requirements in the law and the rules and regulations.

This quality review effort replaced a former procedure where applicants were merely provided deficiency notices when the application failed to meet legislative and regulatory requirements.

Several concerns have been expressed about this new process to both our office and the Congress and, I may add, to your committee. Perhaps central among them is the timing of the grant process.

In all years prior to 1980, awards were provided to grantees in either May or June, in advance of an award date of July 1. This year, due to delays in publishing general regulations, known as EDGAR—Education Department General Administrative Regulations—as well as delays in both completing revised application packages and finalizing Indian Education Act regulations, the awards were not effective until August 14. These delays in the process have caused hardships to grantees.

To correct this problem in next year's grant cycle, we will return to the timetable that existed prior to 1980. Specifically, we plan to issue awards under part A as early as April 30, 1981, and no later than May 31.



A second concern raised about the process this year is the use of the cost guide by Office of Indian Education staff to disallow certain grantee activities.

Here, I believe, we need to distinguish our intent from what may have occurred in several instances. Our intent was that grantees' activities would only be disallowed if they violated applicable statutes and regulations.

School districts should and must have the flexibility to operate within those legal requirements. Any action by any employee of the Office of Indian Education, which suggested that provisions other than the legislation and regulations must be followed, was incorrect and represented an administrative error.

At the same time appropriate suggestions related to improving quality so as to substantially improve the educational opportunities for Indian students represented a legitimate function of our office.

A third concern raised by some grantees is that there have been inconsistencies in information provided to them throughout the 1980 process.

We have planned several major steps to address the concerns about the cost guide and any inconsistencies in information provided to grantees. We are reexamining the contents of the cost guide and whether it should be used as a part of next year's grant cycle.

To assist Office of Indian Education staff in the consistent application of this and other policies, we will prepare a Policy and Procedures handbook for use by all Office of Indian Education employees. This handbook will provide guidance to staff on the information to be provided to grantees. We anticipate completing the document by December 31, 1980. Once the document is prepared, all staff will be trained to use it.

We have also proposed a reorganization in part to address the problems we have had in the process this year. This is currently under review within the Department.

In brief, the Office of Indian Education is proposed to be organized along functional rather than programmatic lines, thereby permitting us to gain greater efficiencies by specialization rather than distributing diverse responsibilities among all employees.

When approved, the reorganization will also allow for career ladder GS-13 education program specialists within the Office of Indian Education. This should upgrade the overall quality of the professional staff, enhance staff morale, and remove one of the major reasons for staff turnover.

Still another action which we are taking to improve the overall administration is to address the problem of insufficient staff. We will augment the Office of Indian Education staff with eight part-time permanent positions. We posted announcements for these vacancies through our personnel office during the period July 14 to August 8. We are now reviewing the applicants for those vacancies, and expect to fill most of them by November 1980.

We will also, to the extent possible, allocate additional full-time permanent positions to the Office of Indian Education as part of an overall reorganization involving the Office of Elementary and Secondary Education. We will allocate an additional 5 to 10 positions, depending upon available resources.

I would like to reiterate that these activities represent only a portion of the actions which we plan to take. We will consider advice from the National Advisory Council on Indian Education, as well as from this committee and its staff, in determining future improvements.

In closing, Mr. Chairman, I would like to admit explicitly that we cannot defend each and every individual action that occurred during the process this year. In fact, on several occasions I believe we did act inappropriately in our directives to grantees that their projects needed modification.

However, in fairness, we were implementing a new process that we felt would better carry out the intent of the statute to substantially improve the educational opportunities for Indian children, and on balance the problems experienced by ourselves and our grantees were not excessive.

Finally, I hope as you proceed to examine the administration of this program the committee will take note that it is our intention to build upon the good and to overcome the weaknesses in order that Indians may receive the maximum benefit from these programs.

I will be happy to answer any questions which the committee might have.

Mr. KILDEE. Thank you very much, Dr. Minter, for your very fine testimony. I would find myself in very substantial agreement with the last paragraph on page 6 in which you outline what you feel is the responsibility of the Officer of Indian Education in reviewing these grant applications. It is an excellent summary of your role and I would concur with it.

Some of our questions today will be specific as to parts of your statement but that is a summary with which I certainly agree.

I will ask questions and you will be moderating your panel, I presume.

Would you briefly describe for the record the time lines in the grant review process of the fiscal year 1980 part A entitlement grants, beginning with the technical assistance conferences in the fall of 1979. Please walk us through the time line on that.

Dr. GIPP. After the publication of the proposed regulations, in June 1979, we held public hearings in conjunction with those proposed regulations.

During the spring we began to plan two major technical assistance conferences which were held in the months of September and early October. At that time we tried to share with the grantees or potential applicants the changes in the law, the proposed regulations, and how we felt interpretations might fall.

We tried to provide assistance to alert them to the new process that would be instituted.

During the months of late September and early October, those conferences did take place.

We notified potential grantees of their estimated entitlements during February 1980. This was to give them a better idea in planning their grant application.

In addition to that, because of our past experience, we felt it was very important for us to put together some guidance in the area of allowable activities. We continue to get numbers of questions on

common kinds of concerns about the program and what activities are allowable.

We felt it was important to try to provide some guidance. Again, because of time pressure we did put together a cost guide, which we had ready for mailing as early as mid-February. That mailing was prepared in conjunction with a letter of clarification on the 506 form, about which we had discussions with you and your staff, Mr. Kildee. That mailing was to some degree delayed because all of those documents were put together as one mailing. That means a little over 3,000 individual mailings occurred.

The actual mailing date did not take place until early March of 1980; the cost guide did not get to the grantees until about 30 days before the application deadline.

The closing date for applications originally was scheduled for January 1980. Because of the delays Dr. Minter and I have outlined, as well as those centering around application approval, we did not receive our applications until April 7, 1980.

The screening of those applications was originally scheduled to be completed by April 30, 1980. We accomplished that task on April 25, 1980. We determined the ineligible by May 16, 1980. We notified those grantees that did not meet the legal requirements for review on June 4, 1980.

The quality reviews were completed June 14, 1980, and we tried to allow 30 days for responses to those quality reviews.

The final recommendations were projected to go to the Application Control Center on August 1. We did submit those recommendations to them on August 6, 1980. We had projected a mail date of August 14 and, of course, as has been testified to, that date was moved to August 27, 1980. We are now in the process of getting payments out to those grantees. All grantee awards have been received in the field or should have been received.

That is a general outline of the grant award process type.

Dr. MINTER. May I add, Mr. Kildee, even though the process was new, in several instances we were a day or so ahead of schedule. In the cases where we were behind schedule, staff realized that and we did try to give grantees every possible advantage of time.

For instance, in one place we pushed the final receipt date back one week to give them extra time. That decision delayed the award date. We do think that that decision was fairer to the grantees rather than holding them to a schedule which we did not meet. Of course, as we go through the 1981 schedule, this will be corrected.

Mr. KILDEE. Could you have your staff prepare for us a time line schematic of these various dates during the past year, so we can include that in the record?

Dr. GIPP. Certainly.

[The information referred to above follow



## OFFICE OF INDIAN EDUCATION

PART A  
GRANT APPLICATION PROCESS

| STEPS                                  | PLANNED COMPLETION | ACTUAL COMPLETION |
|--|--------------------|-------------------|
| <b>PREPATORY</b>                       |                    |                   |
| Proposed Regulations published         |                    | 6/29/79 **        |
| Application Packet approved            | 8/79               | 12/79 **          |
| TA Conferences                         | Sept/Oct, 1979     | Sept/Oct, 1979    |
| TA letter on process                   |                    | 11/79             |
| Estimated Entitlement Letter           | 2/8/80             | 2/6/80            |
| TA letter/ Cost Guide                  | 2/14/80            | 3/80 **           |
| <b>CLOSING DATE</b>                    |                    |                   |
|  | 1/80               | 4/7/80 **         |
| Screening of Applications              | 4/30/80            | 4/25/80           |
| Ineligible Determinations finalized    | 5/20/80            | 5/16/80           |
| Notification of Ineligibles            | 5/30/80            | 6/4/80 **         |
| Quality Reviews Completed (mail dates) | 6/13/80            | 6/14/80 (1        |
| Grantee Responses Due                  | 7/18/80            | 7/18/80           |
| Final Recommendations to ACC           | 8/1/80             | 8/6/80 **         |
| GRANT AWARD MAIL                       | 8/14/80            | 8/27/80 **        |

(1) The quality reviews were sent over a period of one month to applicants. The original mail out dates were delayed by one week. Staff decided to give them a five week response time which pushed final receipt date in here from 7/11 to 7/18,

## - Breakdown of steps for GRANT AWARD mail

|  |                          |                     |
|--|--------------------------|---------------------|
| Final Recommendations to ACC   | 8/1/80 (planned)         | 8/6/80 (actual)     |
| Verification of Computer list  | 8/8/80 (rcd OIE)         | 8/12/80 (rtend ACC) |
| Fund Certification received  |                          |                     |
| (COMPUTER ERROR, correction not made; all documents had wrong signature) |                          |                     |
| Fund Certification   | 8/18/80 (rcd OIE)        | 8/19/80 (rtendACC)  |
| Fund Documents   | 8/20/80 (rcd OIE)        | 8/23/80 (ready ma)  |
| Congressional Notification   | 8/22/80 (due to be made) | 8/28/80 (made)      |

## FUNDING CERTIFICATION CORRECTIONS

#1 (13 grantees) 8/13 to ACC; 8/25 rcd OIE; 8/27 rtend ACC  
 #2 ( 9 grantees) 8/27 to ACC;

Mr. KILDEE. You did not meet that August 14 deadline. When did the final list of grantees go to the computer?

Dr. GIPP. The final recommendations were made to the Application Control Center on August 6, 1980. They generated a document for us which made the grant awards effective August 14, but because of some computer errors, the entire grant award documents had to be regenerated.

That did create some delays for us that resulted in an actual mailing date of August 27. Of course, the notice to Congress about the awards is included in that process.

Mr. KILDEE. The committee received testimony on Wednesday that some title IV programs did not start when school began this year and some grants have been conditioned. Some LEA's are still having problems with their respective State antideficiency laws.

What is being done to expedite delivery of money to those grantees?

Dr. GIPP. We are working very closely with the Finance Office and the people who are responsible for generating payments to the grantees. That is something our office does not have direct control over but they have been alerted to the critical need to get those funds out. We have been trying to work very closely with them.

Mr. KILDEE. Is this particularly true in the State of New Mexico which had these anti-deficiency laws?

Dr. GIPP. My understanding is the State of Arizona is the State that has that law.

We have had contact with the State departments of education in both those States. We did agree with the State department of New Mexico that we would notify them of those particular applicants that might not be funded. Of course by law, we could not tell them who would be funded. So, we were limited to trying to give them some indication of who would not be funded in the process.

So, we have had dialog. There are letters to that effect that can be submitted for the record if you would like.

Mr. KILDEE. If you could supply those for the record we would appreciate it.

[The information referred to above follows:]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE,  
OFFICE OF EDUCATION,  
Washington, D.C., March 24, 1980.

Dr. A. L. CLEMMONS,  
Director, Public School Finance  
Department of Finance and Administration, Santa Fe, N. Mex.

DEAR DR. CLEMMONS: As you know, the fiscal year 1980 grant schedule for Title IV, Part A, Indian Education Act projects is delayed this year due to the development of new regulations. The fiscal year 1980 grant year will not begin until August 14, 1980. The grant award documents will be issued in August; however, actual cash will not reach the school districts until approximately November 1, 1980. This situation has caused great concern, as discussed in your meeting with Ms. Kathleen Hunter and Mr. Cletis Satepauhoodle.

As a result, I understand that you are willing to approve the transfer of funds to New Mexico Title IV, Part A account if the following can be assured by OIE:

1. USIOE provide the NMSDE with a list of non-fundable LEAs no later than August 1, 1980.
2. USIOE provide the NMSDE with a list of LEAs whose payments will be withheld for compliance reasons no later than August 1, 1980.
3. USIOE provide the NMSDE a firm guarantee of the date when payment of fiscal year 1980 funds will be made to LEAs no later than August 1, 1980.

You can be assured that we can provide the information in items 1 and 2. We can also guarantee that actual funds will reach the approved school districts in New Mexico by November 1, 1980.

Your efforts to assist LEAs in starting their Title IV, Part A projects at the beginning of the 1980-81 school year is greatly appreciated. Please call if you have any questions.

Sincerely,

GERALD E. GIPP,  
Deputy Commissioner,  
Office of Indian Education.

Mr. KILDEE. Since we are talking about time lines, what is the proposed time line—for fiscal year 1981 grants?

Dr. GIPP. We hope that we can make our grant awards for part A as early as the last day in April and hopefully no later than the last day of May 1981.

The reason why we don't want to set a definite date on this is because we are having to revise all of our application packets once again.

We are going through that process and that is something we cannot predict. We have now received approval from the various agencies that have to approve those documents, and we hope that we can get those to printing very quickly and proceed to meet our dates.

Ms. BEEBE. If I might add, there is another complicated factor. In the Department we have something called a single closing date notice in which the Department publishes in one volume of the Federal Register the dates for all of our programs. While we have our materials and our dates scheduled, if that single notice of closing is slow in getting out as it has been in the past, then all of our dates will have to slip, or we will have to publish a separate notice for Indian education, because we want to give our applicants 60 days to complete their applications.

So, that is another major process that impinges on our time schedules over which we as an individual office have no control.

In fact, some programs are experiencing some difficulty with their regulations and their closing dates may be delayed. In short, there are a lot of complicating factors in that process.

But we feel that we will complete all of our requirements to meet the schedules, and if we slip, it will be because of departmentwide processes and procedures.

Mr. KILDEE. I hope the departmentwide people would be doing everything possible to expedite the single-closing notice. Obtaining department approval was one of the real problems we had last year getting this application and I would think from experience we have learned that is a trigger that may caused delays further down the road.

Dr. MINTER. We will take the responsibility, of course, Mr. Kildee, for notifying the Assistant Secretary for Management—a representative of his office is here—of your concerns, and we feel that we will be able to keep things on schedule.

We have a well drafted schedule. We would be pleased to share it with your committee. If you would like to monitor us as we go through the year, we would be glad to do that.

[The information referred to above follows:]

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Mr. KILDEE. Yes; I think that is important because we recognize in the case of an application change that this requires departmental cooperation and if that departmental cooperation will expedite Dr. Gipp's operation in a timely fashion, it certainly would be well for the Department to cooperate closely.

Ms. BEEBE. I would like to say that the Grant and Procurement Management Division did exceedingly well on clearing our 1981 forms. This unit did their work in a very tight time line, and we are on schedule. We have received excellent cooperation and excellent support from other offices.

Mr. KILDEE. Mr. Erdahl from Minnesota, is here today. He has been a very faithful member of this committee and is very deeply concerned with Indian education.

Mr. ERDAHL. Thank you, Mr. Chairman, and I want to thank the people from the Department and from the Office of Indian Education for being with us today.

Before I get into questions I would like to make a request, Mr. Chairman, if there is no objection. Mr. Roger Jourdian, chairman of the Red Lake Chippewa Tribe, has requested the record be held open for 30 days to enable him to submit a statement. I trust that can be accommodated.

Mr. KILDEE. Without objection, we will hold the record open.

Mr. ERDAHL. Thank you very much. Do we and members of our staff have copies of the various application forms that are required? I think that is something we should have.

Mr. KILDEE. Yes.

Mr. ERDAHL. I am informed by staff that we do not have the new ones.

What channels do you have to go through to get these various forms approved within the Department or without the Department? Dr. Gipp mentioned that was part of the reason for some delay. Who and how many people have to approve these forms and why?

Dr. GIPP. As I understand, they go through Administrative Information Control and FEDAC, which is the acronym for the Federal Education Data Acquisition Committee.

Once they are cleared through those two agencies—and perhaps I have missed one—we also then, of course, must get on the printing schedule. They do not print the applications for us in a day or two. Before it goes to printing it also goes to a unit called Forms Design. They design the form according to requirements under the law. So, all of that takes time.

Ms. BEEBE. Perhaps we could submit for the record a kind summary of how this process works. There are many steps. Many of them are designed to respond to the congressional concern about paperwork burden on grantees. We have various review processes to assure that we are not asking for material that we don't need or that is asked for in some other form by another office in the Department.

Mr. ERDAHL. I hope the review process doesn't take more time.

Ms. BEEBE. The review takes more time for us, but reduces the paperwork burden for grantees.

[The information referred to above follows:]

## CLEARANCE OF FORMS

The following information provides a description of the process by which a form is cleared in the Department of Education. Essentially, a form passes through two clearance points before its final approval, and then is subject to a final review by the office that handles the design, printing and mail-out of the form. At any point in the review process, the office submitting the form may be called in to clarify or justify the content of the form or to make required changes.

*Steps*

1. Form is developed or revised by program office.
2. Form with justification statement is submitted to the Assistant Secretary for Management's Administrative Compliance Forms Clearance Office. Form is reviewed to ensure:
  - Compliance with program regulations, with Education Department General Administrative Regulations, and with OMB circulars A102 and A110;
  - That data is not collected elsewhere;
  - That form is logical;
  - That notice has been published in Federal Register.
3. Form is forwarded to Federal Educational Data Acquisition Council (FEDAC) for review. FEDAC, which is under the Assistant Secretary for Educational Research and Improvement, reviews the form for essentially the same purpose as the Forms Clearance Office. Additionally, FEDAC is concerned that all Education Department Programs:
  - Reduce burden on the applicant;
  - Avoid duplication of information submitted previously;
  - Request only essential information.
4. Discussion takes place between program staff and FEDAC regarding information requested on form and reasons for request. Agreement is reached regarding final content of form.
5. Form is revised and final version typed based on agreements reached with FEDAC.
6. Final version of form is submitted to the Grant and Procurement Management Division (GPMD) in the Office of the Assistant Secretary for Management. GPMD reviews form to ensure:
  - Compliance with ED grant policies;
  - Compliance with applicable regulations;
  - That any requirements for negotiations are met.
7. GPMD deals directly with Forms Design regarding format and also handles printing and mail-out of form.

|   | <i>Time line</i> | <i>Approximate amount of time (weeks)</i> |
|---|------------------|---|
| Step:   |                  |   |
| 1. Development of form .....                                      |                  | 2-4                                       |
| 2. Administrative compliance forms, clearance office review ..... |                  | 1-4                                       |
| 3-4. FEDAC review/discussion .....                                |                  | 1-4                                       |
| 5. Revision/final typing .....                                    |                  | 1-2                                       |
| 6-7. GPMD review/forms design .....                               |                  | 2   |
| printing/mail-out .....   |                  | 3   |

Mr. ERDAHL. Mr. Chairman, another question I have is, some people were here the day before yesterday and expressed some concerns. If I could summarize them, they came in two basic areas.

The thrust of one concern was the local people of parent organizations seem to be bypassed or do not seem to be one of the main strengths of the whole program which was intended to involve the parent and the community.

The feeling was that there was some office on high that was ignoring this traditional involvement of family, parents, and community. Would anybody care to respond to that?

Dr. MINTER. I would like to speak to the general issues and then Dr. Gipp and other members may want to speak more about the specifics.

We have evidence, Mr. Erdahl, on the basis of an evaluation conducted last year, that parent involvement is one of the strongest components in the Office of Indian Education programs.



Our staff, contrary to the opinions in some quarters, is fully supportive of the involvement of parents.

However, there have been occasions this year when a proposal has come to us for review, and then we have sent it back for additional information, and there has not been time for that information to be fully cleared with the parent organization.

We have within our review process a requirement that the parent committee sign off. As you know, by statute, the parent committee does have both that authority and that power.

Ms. BEEBE. I might try to distinguish between our desires and what happened this year.

Normally, we have a longer period of time for the grantees to respond to any of our concerns. The review normally happens at a time when schools are still in session. This year it happened during the summer. This is the only time in the history of our program that the time for review has been so compressed. So, what we have done in a number of cases where we have asked that an application be revised, if the parent group have not signed off on the revisions, we have gone ahead and made the award and given the grantee 60 days to go back to the parent committee and work through that issue with them.

Mr. ERDAHL. That is reassuring because it seems to me that is an important component of the whole process.

Another concern, I guess one would call it a criticism and not obviously preliminarily directed to your agency or department, is the excess paperwork, the forms and so forth that must be filled out.

On the small business committee where I serve, we hear that at nearly every meeting.

The people who were here a few days ago testified there was a deluge of forms, some of them unnecessary, some, I am sure, prescribed by the Congress, to approve their Indianness—if there is such a word as that—and forms that people who don't fill out forms every day found unnecessarily complicated.

Even one of the women who testified, a professional, very articulate, and certainly very skilled, stated she found the forms somewhat complicated and intimidating.

What can we do together to make these forms simpler and maybe fewer?

Dr. MINTER. The targeting of programs is a critical concern to the Congress and to us, not only in this program but in all programs. We must make certain that money is being spent on the populations for which it was appropriated.

In order to do that we require forms, and we have to have some proof of identity.

The second part of the answer is that we will be pleased to review our forms to see in what ways we can consolidate them. We have tried that on a number of occasions and we will continue our efforts to be clear, to be precise, and not to ask for any information that is not required by the statute, the regulations, or for sound program management.

Ms. BEEBE. I think there are a few things we can do. There is a unit in the National Institute of Education which has specialists in

forms design. They took the income tax form and tried to write it more simply. I think we could ask that unit to review our forms.

One of the changes in the review process this year was that we tried to substitute the use of forms for narrative to cut down the amount of narrative justification. We thought it would be more helpful to the grantees to cut down the volume of paper required. Maybe we need to reexamine with them whether they would rather complete a narrative rather than fill out forms. We can take a look at it and discuss it with them.

Mr. ERDAHL. I have just a few more questions.

Mr. KILDEE. Surely.

Mr. ERDAHL. What specific guidelines do you anticipate will be included in your policy and procedural manual to assist staff in making uniform and consistent determinations of allowable activities under title IV-A?

This comes from the testimony, again, where a witness testified how a work education-related program where there was reimbursement made, a few dollars for a few hours a week seemed to be working very well. People had to have a certain grade point average to participate in the program and yet the directives came down saying that is something that is not permitted.

Dr. GIPP. I think there were two aspects to that, Mr. Erdahl. One is whether or not paying students to participate in an educational activity is allowable under the statute. That is a basic concern that we have. The opinion we have is that is not allowable under our particular law.

The second aspect to it, is that there have been programs that have been operated which have been spending substantial amounts of their total grant award for paying for student wages and salaries. I think that we have to question that practice, given the benefit that is derived for such small numbers of the total eligible population. So it is really a two-part question that we are concerned about.

We don't dispute the value of those kinds of programs. The concept is very good. But, again, we are trying to look at the legal aspect of that. Perhaps there are other aspects of those programs that we can continue to support.

Concerning the one grantee that was cited, we tried to work with them as to how to continue that particular grant. I believe they have chosen not to take that alternative method.

Mr. ERDAHL. Here again, Mr. Gipp, as I recall, the testimony seemed to conclude a lack of specific legal opinion that would substantiate the withdrawal of that program. Maybe that is still forthcoming but evidently to the satisfaction of the people involved, it was not supplied.

Dr. GIPP. It is forthcoming. Clarification is one of the goals we would have for the 1981 cycle. I think we have to reexamine the cost guide. We must clearly articulate those rules that are expressly set forth in the statute and in the regulations and also set out those out that are simply suggestions or guidance that we would like to see our grantees follow.

Mr. ERDAHL. I have a few more questions but perhaps—

Mr. KILDEE. Will the gentleman please yield?

Mr. ERDAHL. Yes.



Mr. KILDEE. Your questions are excellent.

As a corollary to Mr. Erdahl's question, concerning the denial of that work study component, what did you base your opinion upon, something in the rules or regulations or something in the law?

Mr. ERDAHL. My understanding is that this is the position of the agency. It is based on the question of paying to participate in an educational activity.

Ms. BEEBE. Maybe I can help you. The proposal, as I recall having read it, justified the activity on the basis of students needing money. The objective was to provide them cash.

We felt in general that this did not quite meet a special educational need of an Indian child since the objective was to provide cash and not to substantially increase their educational opportunity.

Second, while we don't have a formal general counsel opinion, we have a memo. We made an informal call to general counsel followed by a letter asking them to deal with this question. They sent an informal note saying it seemed to them that this would not be allowable.

We can share that note with you if you would like.

Mr. KILDEE. I would appreciate that.

[The information referred to above follows:]

U.S. DEPARTMENT OF EDUCATION,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, D.C., September 4, 1980.

*Note to Gerald Gipp:*

This is in response to your July 1, 1980 memorandum requesting a written interpretation on the allowability of using funds under the Indian Education Act for the payment of student stipends, salaries, or compensation for participation in a project. As noted in your memorandum, Paul Riddle has provided your office with advice on this question. I have attached a copy of a note to our files that was prepared with respect to this oral advice. I hope that this note is sufficient for your purposes. If you need a further written interpretation on this question, please let us know.

PHILIP ROSENFELT,  
Assistant General Counsel  
for Elementary and Secondary Education.  
By STEPHEN FREID.

Attachment.

U.S. DEPARTMENT OF EDUCATION,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, D.C., July 16, 1980.

*Note to Files: Indian Education Act:*

The above-referenced request, a copy of which is attached, was handled by the following oral advice:

1. It is very doubtful that the types of costs described in paragraphs 1 and 2 of the request for advice are allowable. While there is nothing expressly on the subject in the Indian Education Act, regulations under that Act, or applicable cost principles, all costs are subject to the general rule that they be both "reasonable and necessary". It does not seem reasonable to me for a Part A project to subsidize the employees of others, nor does it seem necessary to pay students who are gaining experience and knowledge in possible career fields, any more than it would be necessary to pay students for participating in a reading improvement or cultural awareness project.

2. Students may legitimately be employed as project staff members, in which case they must be compensated. However, applications that include this type of activity should be closely screened to make sure the "reasonable and necessary test" is met. OIE should encourage voluntary student service in areas such as tutoring, so that project funds may be conserved for items that cannot be freely obtained, such as professional staff and materials.

3. The principles in paragraphs 1 and 2 above are sufficiently simple and well-established that a written opinion from OGC is not necessary at this time. Should OIE staff encounter difficulties with a particular application or project, further review by OGC may be necessary.

PAUL RIDDLE.

Attachment.

Memorandum.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF EDUCATION,  
July 1, 1980.

To: Paul Riddle.

From: Gerald Gipp.

Subject: Requested Policy Interpretation of Payment of Student Stipends.

As a follow-up to our June meeting and our memorandum of April 9, 1980, I am requesting a written interpretation on the allowability of using Title IV funds for the payment of student stipends, salaries or compensation for participation in a project. The normal support items for participation such as transportation is not in question, only the payment directly to the student for his or her participation.

In response to the April 9 memorandum, you have verbally apprised this office that examples one and two of that memorandum would not be allowable but item three would as the student then is classified as an employee of the project.

As per our discussion in June, it is necessary that we have this interpretation in writing as per a request from the Lawton Public School's Title IV project. That particular project has a career awareness component. This component provides students with career opportunities in various fields and it pays the students for the time they spend "on the job". While the component is educationally an excellent one, the actual payment of students is questionable.

I would appreciate this written interpretation as soon as possible.

Attachment: April 9, memo.

Memorandum.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF EDUCATION,  
April 9, 1980.

To: Paul Riddle, Attorney Advisor, Office of General Counsel.

From: John Tippeconnic, Associate Deputy Commissioner, OIE.

Subject: Requested Interpretation on Employment of Students With Title IV Funds.

A current practice among several Title IV projects is to provide either student employment within the project or a component that pays salaries and wages to students. This Office would like to know if such practices fall within the parameters of allowable activities/costs under Title IV.

Specific activities fall into three general categories:

1. A career awareness or similar curriculum unit designed to allow students to explore career options outside of regular classroom work. As part of the unit, students are employed in career areas of their choice for experience. Salaries are paid by the project. Jobs are to be designed strictly as job experience and are supplementary to, and should not replace or subsidize, the employer's business or office.

2. Project components are designed strictly as employment components which place students in available positions. The educational benefits are usually stated to be dropout preventions, job experience, or straight training on how to work. The project pays the salary. No standards are set for types of employment.

3. Indian students are employed by the Part IV project to act as tutors or provide assistance to the project. Students perform valid duties necessary to the project. These duties are performed as an employee rather than a Title IV recipient.

All categories stated above, of course, are generalized models. For categories 1 and 2, there is a wide range of variation. Category 3 appears to be like any other "after school" employment. Could you please provide us with applicable guidelines or interpretations on which to base our funding decisions this year?

It would be appreciated if we could receive this as soon as possible as we start reviewing applications April 10. I realize that your work load is heavy right now and this is short notice, but this question has just recently come to light.

JOHN TIPPECONNIC.

Mr. KILDEE. Setting aside the educational or noneducational value of such a program, you said you felt it was not education-oriented but it was designed to get money for the students.

Ms. BEEBE. I said my recollection of the way in which the particular project justified it was: We have a number of students who are low-income for whom work experience is important because they need it to generate cash.

If it had been stated that the objective was to provide them employment in an area specifically related to the career in which they were exploring, it might have been a little stronger proposed, but we felt that—and the individual project officer is not here to speak to it—in terms of operating on the general policy as set forth in the law, those funds which were used for salaries could be used more efficiently and effectively in other areas to meet the policy set forth in the statute.

Mr. KILDEE. In other words, you felt the money was more employment oriented than educationally oriented?

Ms. BEEBE. As stated in the proposal, yes.

Mr. KILDEE. You felt you derived that judgment from your reading of the law?

Ms. BEEBE. Yes.

Mr. KILDEE. I am trying to find the basis—and I know you are called upon to make decisions like that—for that decision.

Ms. BEEBE. It is a matter of judgment. It is a matter of a specialist making a judgment in terms of the principles set forth.

Mr. KILDEE. The genesis for the judgment was what you felt was in the law.

Mr. LOVESEE. May I pursue that for a second? I think there were a number of grants in several States which were told to revise their programs, not just the single instance of Lawton which was brought to our attention. Am I correct on that?

Ms. BEEBE. I was talking about Turtle Mountain.

Mr. LOVESEE. Then we now know of another one in North Dakota, so I will increase the number of States we now know about.

Ms. BEEBE. There were a number of projects that had work components; Judy Baker can speak in more detail. She has read all of the quality reviews.

It had been a fairly standard practice. It derives from the fact that many of these students are very low income and the parents, in striving to meet the total needs of their children, see that as valuable. We don't argue that as being valuable to the individual in any way.

Our dilemma comes in trying to make an educational decision about what best carries out the policy in the law.

There are a few places in the law which are very clear. It doesn't only say to meet the educational needs, it attaches the word, special. It also has the words, to substantially increase the educational opportunities, and we have to operationalize the words special and substantially increase.

This is the judgment that our specialists have to make. When they see a substantial portion of a grant paying \$3 an hour to a selected number of students for work, they may question whether

or not that money might be used in another manner to more substantially increase the benefits.

Mr. LOVESEE. Then it is a question of their judgment as to the use of the funds.

Ms. BEEBE. Judgment based on statute.

Mr. LOVESEE. There may be a nexus between special and substantial educational needs and such things as work study.

Ms. BEEBE. One has to make a judgment about what is educational. We have precedents in vocational education, and in higher education in cooperative education, where the purpose of the program is to pay for a coordinator. That coordinator finds job opportunities for students related to those students' educational objectives. No money is paid to the students. The employer pays the money to the student. That we see as quite appropriate. The question is who pays the salary, and not the value of the activities.

Mr. LOVESEE. In point of fact the person who worked on this is in the room and we may wish to ask him his opinion.

Your legal standing, then, is based on the interpretation of the term special and substantial education. Am I correct?

Dr. MINTER. That is correct, as we must interpret the law. Obviously, we start with scarce funds. How do we, as we interpret the statute, direct or approve activities that will substantially improve the educational achievement of Indian children?

Mr. LOVESEE. If the grantees were told—and we will submit for the record several instances of this that this was not an allowable component because this type of program did not meet the law, that would be an incorrect statement. The type of program meets the law, it is simply inappropriate under your determination in this particular setting.

Ms. BEEBE. I tried to give you the reason that we questioned the expenditure. The final reason has to rely, I think, on the judgment that they have in this memo, which is not a formal opinion from general counsel, which says that the agency posture is not to pay people to participate in a program unless it is specifically authorized in the statute.

Mr. LOVESEE. So that is a policy on the part of the Department.

Mr. ERDAHL. It seems to me if one looks at the statute, this language is very broad and it is subject to interpretation by agency or by counsel and I would hope that your agency would take another look at it.

It seems to me most high school kids don't know what they are going to do. I don't care whether somebody might be at the lower level; some of us at the higher income level feel they like to earn a few bucks and it is a good incentive. Just to learn work habits and how to be interviewed, et cetera, in my opinion it should be broadly interpreted as a very important part of one's education for a vocation.

Mr. KILDEE. We have a vote coming up. I think certainly agencies make interpretations; that is why there is an executive branch of Government. Since we have this policy of self-determination and put a great deal of emphasis upon the parent committee, I think when the office finds itself in disagreement with the parent committee it is important that you give them the basis for the modification and cite the statute.

I think if you are citing the genesis for your opinion, and you go back and cite the language in the statute or cite the language in the rules and regulations, that will take care of some of the problems that have arisen.

I think it is very important that you cite the statutory rule or regulatory language.

Dr. MINTER. You are saying that we should be very specific.

Mr. KILDEE. Yes. Rather than have it in fact as an opinion or perceived as an opinion, if you can show the basis for that decision in law or in the rules and regulations I think it would be extremely helpful.

Dr. MINTER. We have no problem with that, and we will incorporate that into our planned activities.

Mr. KILDEE. We will vote and then return.

[Brief recess.]

Mr. KILDEE. Perhaps Dr. Gipp would want to answer this next question. During the spring several other projects which subsequently influenced the fiscal year 1980 process were underway. When was the "Program Cost Guide" written?

Dr. GIPP. The "Cost Guide" was developed during the fall of 1979 and, as I indicated earlier, we had it ready for mailing during the month of February and we did not get it to the grantees until March.

Mr. KILDEE. Who actually wrote the "Program Cost Guide"?

Dr. GIPP. The "Cost Guide" was developed by my staff, and essentially was supervised by John Tippeconnic, my associate deputy, and Ms. Baker.

Mr. KILDEE. Mr. Tippeconnic and Ms. Baker were in charge of that process?

Dr. GIPP. Yes.

Mr. KILDEE. Were NACIE or the grantees involved in any way in writing the "Cost Guide"?

Dr. GIPP. I think perhaps I should defer that to Ms. Baker since she has intimate knowledge of the development of that particular package.

Ms. BAKER. Dr. Tippeconnic and I worked on the actual development of the cost guide. The idea of the "Cost Guide" was in response to an often-expressed grantee need that, "We don't know policies; we don't know what you use to determine what is eligible, or what is not eligible, as far as costs or programmatic activities."

We had originally intended to have the "Cost Guide" ready in September or October. It was not developed by that time. We continued work on it until it was finalized and ready for printing. We did not involve the Indian community or NACIE in the actual development. What we did was an analysis of the most commonly asked questions of grantees, the most common citations of unallowable costs in audits, and from the staff experience of what telephone calls they get most often requesting technical assistance.

All staff went through the "Cost Guide" after it was written, and made comments. We checked it against rules, regulations, normal interpretations, et cetera, and then it was mailed.

Mr. KILDEE. In the law we have established that NACIE as a group should participate in such matters. Do you think in retro-



spect it would have been better to include NACIE in the development of that "Cost Guide"?

Ms. BAKER. Yes.

Mr. KILDEE. Thank you.

Was the "Cost Guide" to be used by the grantees in the fiscal year 1980 application?

Dr. GIPP. That is correct.

Mr. KILDEE. They were informed of that? They knew the cost guide would be used for the fiscal year 1980 applications?

Dr. GIPP. I am not positive when we informed them.

Ms. BAKER. The letter accompanying the "Cost Guide" explains it is only a guide to help them determine what would be eligible or ineligible, how to set their objectives, et cetera.

It was mailed prior to the 1980 process so potential grantees would have that extra piece of technical assistance prior to the formulation of those applications.

Mr. KILDEE. But they didn't have it for a long time, did they? The applications were due April 7 and you completed the "Cost Guide" in March.

Ms. BAKER. No, it was completed in early February. We intended to mail it February 14, which was right after the applications were mailed out. The mail date of that slipped, and we mailed it within the first week of March. Most of the grantees had it by March 10, which was approximately 30 days prior to the application closing date.

Mr. KILDEE. Does the "Cost Guide" have any other purpose other than technical assistance to the grantees?

Ms. BAKER. No. It is technical assistance material they could have and could keep for reference.

Mr. KILDEE. When the quality review form was first developed, did it have any purpose other than technical assistance?

Ms. BAKER. Yes. That had two purposes and these purposes were outlined at the conferences as well as with Federal staff.

In this grant process we were going through a change and during this period grantees needed as much technical assistance as possible. The quality review form had two separate purposes. One was technical assistance—comments that the staff made after reading and analyzing a grant.

For instance, we would tell the applicant that you could strengthen your needs assessment by expanding the number of people.

The other purpose of the quality review form, as it says in the cover letter, is to point out necessary actions that applicants had to respond to. For instance, if you did not provide in your application for an independent evaluator, as is required by the regulations, then it would say that you must make this provision.

Mr. KILDEE. In the necessary action portion of the form did you distinguish between other recommendations and necessary action, and was that necessary action based upon something in the statute or in the rules and regulations?

Ms. BAKER. That was the intent.

Mr. KILDEE. You could find a genesis in the law or in the rules and regulations for those requirements below that line?

Mr. BAKER. Yes. I might add that in retrospect, in looking at the form, the form design itself is unclear. The technical assistance section should be clearly differentiated from the necessary action section, and in the future we will make these distinctions clear.

Mr. KILDEE. Is that distinction made very clear to your specialists that the necessary action will be something where you have to find the genesis in the statute or rules or regulations? Is that part of the staff training in the use of this form?

Ms. BAKER. We have included it in staff meetings. We spent one staff meeting totally on the quality review form where we went through the form itself, answers to questions that might be asked the staff, and the rules and regulations citations as they relate to the forum. We also discussed the purpose, how to complete the form, and other issues.

Ms. BEEBE. There was a staff meeting in April and one in June that went over this in detail. Many of the analysts took a blank copy of the form, and as the technical training was going on, they wrote notes to themselves. For example, I have one here, and the analyst has written in the minimum standards.

I looked at this analyst's work and a couple of the comments would say that this appears to be weak and in next year's application you should strengthen it in the following way.

Where we have differences is in the individual application of the principle. The principle of using a form like this is reasonably standard in the department. I brought copies of other programs where we use a form tailored to those programs. These forms are designed both to determine that the application satisfies legal requirements and to indicate where analysts have exercised technical judgment about the quality of the proposal. So, this is nothing new to the department. It is a very standard procedure.

Mr. KILDEE. Can you tell for the record the relationship between the quality review and the "Program Cost Guide"?

Dr. GIPP. As has been discussed, the "Cost Guide" was supposedly to be a technical assistance guide. I think difficulties and misunderstandings arose because of the directions that went to grantees on the quality review form that referred to the cost guide.

Through misunderstandings on the part of our staff, on the part of grantees, or perhaps in the style of the comments that went back to the applicants, it became interpreted as if the "Cost Guide" was to be used as regulations.

I think there was a problem with the "Cost Guide" itself, in the sense that it should have been in two parts. There are directions in the guide that are clearly based on the statute. On the other hand, there are suggestions in there that should be used as a technical assistance guide.

Mr. KILDEE. Technical assistance?

Dr. GIPP. Yes. That is where the process became muddled. I think the "Cost Guide" in itself caused confusion among our staff and also among our grantees; there is no question about that. We have to decide if this is a useful instrument for us to continue to use.

My sense is that it is something that we should consider continuing but obviously we have to assess that in light of the problems we

have encountered. We would be very interested in recommendations from your committee and your staff.

Mr. KILDEE. I think it is very important that the grantees and your specialists recognize the difference between technical assistance and rule or regulation and statutory requirements.

To the degree that we constantly try to keep that dichotomy in mind there will be less confusion.

Dr. MINTER. That is absolutely right, Mr. Kildee. The idea of the "Cost guide" was technical assistance prior to developing an application. Most grantees, in this and other programs, require knowledge before they begin the process. How do you fill out the application? What will be allowed? Where we got in trouble this year is not clearly delineating what will be disallowed in terms of statutory items, as you pointed out.

We have a letter here from the All Indian Pueblo Council in which they indicate they were pleased with our type of review and the type of assistance they received from our project officer. I believe they also used the "Cost Guide."

We will take your statements, your comments, and your advice. We will consult not only with your committee but with NACIE so that our "Cost Guide" is clear and its use will be clear, but we do think it is a very important document and may represent a service to our grantees.

[Letter referred to above follows:]

ALL INDIAN PUEBLO COUNCIL, INC.,  
ALBUQUERQUE/SANTA FE INDIAN SCHOOL,  
OFFICE OF THE SUPERINTENDENT,  
Santa Fe, N. Mex., June 26, 1980.

Dr. GERALD GIPP,  
Deputy Commissioner,  
Washington, D.C.

(Attention: Ed Semermeyer, Project Officer).

DEAR DR. GIPP: Attached you will find the Santa Fe/Albuquerque Indian School's response to the Office of Indian Education's Quality Review Form regarding our Public Law 92-318, Title IV, Part A, Tribal Schools Entitlement Grant Application, account No. 0830A. Also, enclosed is a copy of the school's Public Law 93-638 contract.

We were pleased with the type of review and with the assistance we have received from our project officer. The following budget, evaluation plan, and project scope adjustment indicate our need for a 10.5 month planning grant.

I am confident that we have met the recommended provisions and that this application will be approved for funding. I look forward to continued cooperation with your office to improve Indian Education.

Sincerely,

JOSEPH ABEYTA,  
Superintendent.

Mr. KILDEE. All right, I think we have clarified that. I would like, however, at this point to place into the record—since I think this record will be a good guide for all of us who as I have said repeatedly, are working for the same constituents—I would like to place into the record several representative instances where the cost guide was applied, in the opinion of the chair, as a binding document.

Ms. BEEBE. Would it help the record if we submitted some cases where the analysts were also very clear about using it as a guide and show a project before and after? There is some wonderful examples where the analysts have talked about measurable objectives, in cases where projects originally came in in more general



rather than specific terms, and where the revisions came in with very measurable objectives. We think that from an educational point of view this is useful.

Evaluation data, for example, from our follow-through program, show that where the objectives are very clear and measureable, the attainment of the student is raised substantially when compared to similar projects where the objectives were not so well developed. We think that this type of review is helpful.

Mr. KILDEE. Provide them for us and we will include them in the record in the same area with those we include in the record. [The information referred to above follows:]

For applications submitted under P.L. 92-318, Title IV, Part A *F-7 92-82*

APPLICANT Detroit Public ACCOUNT # 0006A

ADDRESS: Belmont, Michigan

SUMMARY COMMENT: *A Multi-year Application*

☒ This application could be recommended for approval if the following provisions are met:  
The entire application is rewritten.

RECOMMENDED DECISION:

☒ I recommend this application be approved and certify that all objectives and costs contained in this application are within the range of allowability as set forth in the rules and regulations for OIE, and OE. I further certify that the application meets minimum standard for funding.

☐ I recommend that this application not be approved for funding for the following reasons:  
(Give full explanation using additional sheets as necessary.)

*Philip J. Reed*  
Program Specialist

## FINAL DECISION

☒ approved

☐ disapproved comment:

*Brian Stacey*  
Branch Chief

Disapprovals will be forwarded to the Division Director for review.

**BEST COPY AVAILABLE**

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## QUALITY REVIEW FORM (DRAFT COPY FOR STAFF REVIEW)

NEEDS ASSESSMENT

1. The method by which the needs assessment and ranking process was carried out was adequate. yes ☒ no ☐

COMMENTS: However, this assessment will not meet the minimum requirements for the 1981-82 application.

NECESSARY ACTION: Refer to Section 186a. 31 + Appendix (d) of proposed Regulations and redevelop the survey form. The sample assessment form may be used.

2. The Parent Committee participation in the assessment & prioritizing of needs was adequate. yes ☐ no ☒

COMMENTS: No indication that parents participated in the assessment or prioritizing of needs.

3. The <sup>assessment</sup> ~~assessment~~ represents a wide variety and valid survey of needs. yes ☐ no ☒

COMMENTS: No indication that dropout rates, academic achievement levels, & standardized test scores were assessed.

4. The size and nature of the population are as great enough to constitute a valid survey. yes ☐ no ☐

COMMENTS: Teachers were not assessed. No indication as to the number of forms distributed or the number of responses received.

PROJECT DESIGN

1. The project design directly addresses the assessed needs as prioritized. yes ☐ no ☐

COMMENTS: The need with the highest priority is not Reading, Math, & Social Studies. If this is what priority #1 is translated to mean it should have been listed on the assessment as reading, math & social studies.

NECESSARY ACTION: Priority #2 - & #3 are not listed, e.g., Health & Social Services or Dental is not on list of prioritized needs.

Redesign program to meet the needs with the highest priority.

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## 2. The project design includes:

- a) objectives that are sharply defined, stated in measurable terms, and capable of being achieved within the project period: yes \_\_\_ no ☒
- b) an activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective. yes \_\_\_ no ☒

COMMENT: Specific measurable objectives are not provided. A specific activity plan, with timeline, is not provided.

NECESSARY ACTION: Refer to Section 186a. 32 of proposed Regulations and page 3 of Program Cost Guide and rewrite your objectives. The enclosed sheets can be used. Refer to sample application for format.

3. The project design demonstrates an effective plan for the administration of the project. yes \_\_\_ no ☒

COMMENT: There is no indication as to who has responsibility for what activity.

NECESSARY ACTION: In a project design, show who has responsibility for each activity.

4. All project objectives and activities are allowable as defined by the law and the rules and regulations. yes \_\_\_ no ☒

COMMENTS: Cannot determine. Activities are not specifically spelled out. We cannot determine what is being done in the program.

NECESSARY ACTION:

5. Are the objectives of enough breadth and scope to adequately address the need. yes \_\_\_ no ☒

COMMENTS: objectives are not measurable. Benefits expected are not measurable.

NECESSARY ACTION:

6. Are activities, services, and materials that support the project built upon the values, heritage and traditions of the Indian community. yes \_\_\_ no ☒

COMMENTS: Cannot determine.

NECESSARY ACTION:

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7. For multi-year applications, the project design meets all criteria stated above for year 2 and year 3.

yes ☐ no ☒

COMMENTS: Measurable Objectives Not provided. The project design does not address the prioritized needs.

NECESSARY ACTION: Rewrite application to meet the identified needs as prioritized. Provide measurable objectives for year 2+3.

#### EVALUATION

The application contains a clearly defined evaluation plan that provides for:

(a) periodic monitoring of the project's progress

yes ☒ no ☐

(b) a quantifiable method to determine if the project meets each of the objectives

yes ☒

(c) an evaluation of the administration of the project

yes ☐ no ☒

(d) A provision for an independent evaluation to assist in monitoring and evaluation activities, and to conduct a final evaluation of the project.

yes ☒ no ☐

COMMENTS: Pre-Post test and/or questionnaire should be used for baseline customer history.

NECESSARY ACTION: Provide a plan for evaluating the administration of the project.

#### BUDGET

1. All costs itemized in the budget are directly related to the objectives of the project or project administration.

yes ☐ no ☐

COMMENTS: Cannot determine all budget items are directly related to project objectives.

NECESSARY ACTION: Provide a complete budget breakdown. Refer to the program cost center for technical assistance reimbursement.

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2. A satisfactory budget breakdown is included in the application that accounts for the total expenditure of each object class. yes ☐ no ☒

COMMENTS: List Evaluated according to number of days & rate. List fringe benefits by benefit and percentage rate for each. Travel must be listed according to purpose, destination, if known, number of persons attending, per diem rate & necessary action: mileage rate if applicable. List materials & supplies for components & dissemination activities. List consultants by purpose, number of days, rate, etc. Field trips by purpose, number attending, etc. Refer to Program Cost Guidelines breakdown budget adequately.

3. All costs itemized in the budget are allowable under the regulations for OIE and OE. yes ☐ no ☒

COMMENTS: Not sure. Field Trips, Consultants, etc. Not broken down.

NECESSARY ACTION:

4. All cost itemized are appropriate, reasonable and cost effective. yes ☐ no ☐

COMMENTS: Cannot determine.

NECESSARY ACTION:

5. The budget is mathematically correct and follows the proper procedures for preparation. yes ☐ no ☐

COMMENTS:

NECESSARY ACTION:

6. Other budget concerns:

COMMENTS:

NECESSARY ACTION:

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PARENT COMMITTEE

1. The plan for participation of the parent committee in the design, operation and evaluation of the project is adequate.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

2. The policies and procedures outlined for the hiring of staff clearly denote the respective responsibilities of the LEA and the Parent Committee.

yes ☐ no ☒

COMMENTS: Not clear as to who does actual hiring of staff.

Since #1 on page 58 goes a little beyond the responsibilities of the Parent Committee, we are requesting a reevaluation that the LEA agrees with this procedure. Explain.

NECESSARY ACTION: "Letters of Intent" mentioned in #4 on same page.

Provide the above requested information.

ADMINISTRATION

1. The plan for administration of the project is sound.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

2. The fiscal control and fund accounting plan is sound.

yes ☐ no ☒

COMMENTS: What fund accounting procedure is used by the Detroit Public Schools for Title IV funds?

NECESSARY ACTION: Provide information in answer to above question.

3. The plan for coordination of the project with other appropriate projects is sound.

yes ☐ no ☒**BEST COPY AVAILABLE**

COMMENTS: The plan for coordination is not sound. Although you discuss the various other special programs, you do not give a definite plan for coordination to make sure that the students are served in these programs. On page 62 you state, "any Indian student who meets the criteria is eligible and most likely receiving Supplemental Article 3 services." Are any eligible students receiving services? Your answers are "most likely" + "approximately".

SUPPLEMENTAL/SUPPLANTING  
Provide a sound plan for coordination.

1. Satisfactory assurance is provided that the project will substantially increase educational opportunities of Indian children.

yes ☐ no ☒

COMMENTS: Objectives not measurable. Specific expected gains not provided.

NECESSARY ACTION:

2. The policies and procedures give adequate assurance that supplanting will not take place.

yes ☐ no ☒

COMMENTS: See #3 on page 7.

NECESSARY ACTION:

GPO 555-613

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## QUALITY REVIEW FORM

For applications submitted under P.L. 92-318, Title IV, Part A

1-23, 11300

## GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBAL SCHOOLS

APPLICANT Tri County Arts ACCOUNT # 0272  
 ADDRESS: 6101 Newata Rd. Box 3428 Eastside Station  
Bartlesville Oklahoma 74003

\*\*\*\*\*  
SUMMARY COMMENT:

☒ This application could be recommended for approval if the following provisions are met:

OBJECTIVES MUST BE RE-STATED  
 EVALUATION PLAN MUST BE RE-STATED  
 Budget MUST BE BROKEN DOWN

\*\*\*\*\* OTHER RESPONSES TO QUALITY REVIEW MUST BE MADE *sh/ro*  
 RECOMMENDED DECISION:

☒ I recommend this application be approved and certify that all objectives and costs contained in this application are within the range of allowability as set forth in the rules and regulations for OIE, and OE. I further certify that the application meets minimum standard for funding.

☐ I recommend that this application not be approved for funding for the following reasons:  
 (Give full explanation using additional sheets as necessary.)

*Conditional Approval. See Attachment*

*[Signature]*  
 Program Specialist

\*\*\*\*\*  
FINAL DECISION

☒ approved

☐ disapproved comment:

*[Signature]*  
 Branch Chief

Disapprovals will be forwarded to the Division Director for review.

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## QUALITY REVIEW FORM (DRAFT COPY FOR STAFF REVIEW)

NEEDS ASSESSMENT

1. The method by which the needs assessment and ranking process was carried out was adequate. yes ☒ no ☐

## COMMENTS:

*The scope of the assessed needs was most limited*

## NECESSARY ACTION:

2. The Parent Committee participation in the assessment & prioritizing of needs was adequate. yes ☒ no ☐

## COMMENTS:

3. The ~~assessment~~ <sup>ASSESSMENT</sup> represents a wide variety and valid survey of needs. yes ☐ no ☒

COMMENTS: *FUTURE ASSESSMENTS MUST SURVEY  
A BROADER SPECTRUM OF NEEDS.*

4. The size and nature of the population assessed was great enough to constitute a valid survey. yes ☒ no ☐

## COMMENTS:

PROJECT DESIGN

1. The project design directly addresses the assessed needs as prioritized. yes ☒ no ☐

COMMENTS: *THE ASSESSED NEEDS AS PRIORITIZED  
APPEAR TO ACCOMMODATE A PRE-CONCEIVED  
SET OF PROGRAM ACTIVITIES.*

## NECESSARY ACTION:

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## 2. The project design includes:

- a) objectives that are sharply defined, stated in measurable terms, and capable of being achieved within the project period. yes \_\_\_ no ☒
- b) an activity plan, including a timeline, that clearly and realistically outlines the activities related to each objective. yes \_\_\_ no ☒

COMMENT: *PLEASE REFER TO THE ATTACHED "Formulation of Project Activities"*

NECESSARY ACTION: *RESTATE ALL OBJECTIVES BY ANSWERING EACH OF THE QUESTIONS ON THE ATTACHED "OBJECTIVE OUTLINE"*

3. The project design demonstrates an effective plan for the administration of the project. yes ☒ no \_\_\_

COMMENT:

NECESSARY ACTION

4. All project objectives and activities are allowable as defined by the law and the rules and regulations. yes ☒ no \_\_\_

COMMENTS: *SOME ACTIVITIES APPEAR TO DUPLICATE REGULAR SCHOOL SERVICES*

NECESSARY ACTION:

5. Are the objectives of enough breadth and scope to adequately address the need. yes \_\_\_ no ☒

COMMENTS: *OBJECTIVES, AS STATED, ARE TOO BROAD.*

NECESSARY ACTION: *RESTATE ALL OBJECTIVES. (SEE ITEM 2 ABOVE)*

6. Are activities, services, and materials that support the project built upon the values, heritage and traditions of the Indian community. yes \_\_\_ no ☒

COMMENTS: *THE ACTIVITY ADDRESSING THE ACADEMIC NEED APPEARS TO BE THE SAME AS THE*

NECESSARY ACTION: *REGULAR SCHOOL PROGRAM.*

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7. For multi-year applications, the project design meets all criteria stated above for year 2 and year 3.

yes ☐ no ☒

COMMENTS:

NECESSARY ACTION:

#### EVALUATION

The application contains a clearly defined evaluation plan that provides for:

- (a) periodic monitoring of the project's progress yes ☐ no ☒
- (b) a quantifiable method to determine if the project meets each of the objectives yes ☐ no ☒
- (c) an evaluation of the administration of the project yes ☐ no ☒
- (d) A provision for an independent evaluation to assist in monitoring and evaluation activities, and to conduct a final evaluation of the project. yes ☐ no ☒

COMMENTS: *Your evaluation plan must be in response to your objectives. The plan must include both formative and summative evaluation of student progress.*

NECESSARY ACTION:

*Restate your evaluation plan to address the measurable terms of your objectives.*

#### BUDGET

1. All costs itemized in the budget are directly related to the objectives of the project or project administration.

yes ☐ no ☒

COMMENTS:

*Travel to NCAI is not program related.*

NECESSARY ACTION:

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2. A satisfactory budget breakdown is included in the application that accounts for the total expenditure of each object class. yes ☐ no ☒

COMMENTS:

NECESSARY ACTION: *THE TRAVEL OBJECT CLASS CATEGORY MUST BE BROKEN DOWN ACCORDING TO THE INSTRUCTIONS ON PAGES D2 AND D3 OF THE APPLICATION PACKET. - A COMPLETE BREAKDOWN OF PROJECTED COSTS MUST BE COMPLETED FOR THE "OTHER" CATEGORY.*

3. All costs itemized in the budget are allowable under the regulations for OIE and OE. yes ☐ no ☒

COMMENTS:

NECESSARY ACTION:

*TRAVEL TO NCAI CONVENTION MUST BE ELIMINATED.  
CRITERIA FOR ECONOMIC NEED MUST BE ESTABLISHED*

4. All cost itemized are appropriate, reasonable and cost effective. yes ☒ no ☐

COMMENTS: *THIS CAN ONLY BE ANSWERED AFTER YOUR PROPOSED BUDGET IS COMPLETELY ITEMIZED*

NECESSARY ACTION:

5. The budget is mathematically correct and follows the proper procedures for preparation. yes ☐ no ☒

COMMENTS: *TOTALS ARE CORRECT, HOWEVER, THE TOTALS FOR THE FRINGE BENEFITS, ACCORDING TO NOTED PERCENTAGES,*

NECESSARY ACTION: *EXCEED THE AMOUNT BUDGETED.  
PLEASE CORRECT.*

6. Other budget concerns:

COMMENTS:

NECESSARY ACTION:

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PARENT COMMITTEE

1. The plan for participation of the parent committee in the design, operation and evaluation of the project is adequate.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

2. The policies and procedures outlined for the hiring of staff clearly denote the respective responsibilities of the LEA and the Parent Committee.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

ADMINISTRATION

1. The plan for administration of the project is sound.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

2. The fiscal control and fund accounting plan is sound.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

3. The plan for coordination of the project with other appropriate projects is sound.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

SUPPLEMENTAL/SUPPLANTING

1. Satisfactory assurance is provided that the project will substantially increase educational opportunities of Indian children.

yes ☒ no ☐

COMMENTS:

NECESSARY ACTION:

2. The policies and procedures give adequate assurance that supplanting will not take place.

yes ☐ no ☒

COMMENTS:

NECESSARY ACTION; Program Activities must be clearly defined to establish that they are absolutely Supplemental to Regular School Activities.

SPD 202-011

## ATTACHMENT B

INDIAN EDUCATION, TITLE IV, PART A  
FY 1980GRANTEE: Tri County Area Va Tech NUMBER: NOB 8000 267

RESPOND ONLY TO THOSE CONDITIONS THAT ARE CHECKED:

- ☒ Our review of your application revealed deficiencies as listed below. An amendment to correct these deficiencies must be submitted within 60 days of the date of this award.

*See attached sheet*

- ☒ Our review of your application revealed that it proposes unauthorized activities and/or costs that are not reasonable and necessary, or contains insufficient information to make this determination. The following deficiencies must be corrected within 60 days of the date of this award. (45CFR186a.30(b)(1)(i) and (ii))



## QUALITY REVIEW ATTACHMENT

## TRI COUNTY TECH.

1. All parts of the Quality Review form must be responded to as directed.

## Specifically:

- a. A revised Budget must be submitted that totals \$22,866.00.
- b. The TRAVEL OBJECT CLASS CATEGORY must be re-done and broken down.
- c. All items in the OTHER OBJECT CLASS CATEGORY must be itemized and explained.
- d. Restate all objectives according to directions. *Refer to 186a.22*
- e. A complete evaluation plan must be submitted that responds to the MEASUREABLE OBJECTIVES. *Refer to 186a.23*
- f. ECONOMIC CRITERIA must be established for PARENTAL COST ITEMS. *186a.10*
- g. PROGRAM ACTIVITIES must be clearly defined to establish that they are absolutely supplemental to regular school activities.

Mr. KILDEE. In certain areas of the country a summary statement on the form of the quality review form says to answer everything on the form. The committee would like to place into the record several representative instances of this. When you are told that you are to answer every question within, that seems to have a kind of mandatory connotation and leaves the grantee with the impression that this is a requirement. So again, we would like to include that in the record at this point, along with what you will supply to balance the record.

Mr. KILDEE. Was the quality review form discussed with NACIE?

Ms. BAKER. I think you will have to ask NACIE. We discussed the process, but I'm not sure about the form itself.

Dr. DOSS. The process was discussed with the council. I don't believe we had an opportunity to go over that in any great detail.

Mr. KILDEE. Again, I would encourage enhancing the communication inasmuch as NACIE does find its foundation within the statute.

Is it accurate to say that after the specialists have made their analysis of the applications, the branch chief reviews all of the quality reviews to assure some type of uniformity?

Dr. MINTER. Yes. You are asking for a second review after the program officer has reviewed the form?

Mr. KILDEE. Yes, during the past year, fiscal year 1980, after the specialists completed the quality review was there any central person who checked though; to see that there was uniformity so that LEA A was being treated at least in similar fashion to LEA Z?

Dr. MINTER. The answer is yes.

Ms. BEEBE. It is our practice to do that. But just as the grantees had very little time to do their work, ours was scheduled at a point when we had only one branch chief. There were an average of 300 quality reviews to be reviewed by that person in an average week, on top of other duties. So, the practice was there. One could make judgments about how thoroughly it could be accomplished in the timeframe we had this year.

Mr. KILDEE. I think the staff manual will be of help, in obtaining as much uniformity as possible on the specialists level. It does create problems in the various areas when people communicate one with another, and find out certain things were allowed in LEA A, and not allowed in LEA Z.

I realize that with the number of applications, and quality reviews to be reviewed, there is a definite logistical problem. However, I think the staff manual and staff training should stress uniformity. Then perhaps you could have some type of additional review so as much uniformity as possible can be achieved.

Dr. MINTER. We will do that. Not only will we establish and develop the manual, but we will also develop the training steps and indicate what our operational steps will be as we apply the manual.

Ms. BEEBE. We can move to have our senior specialists, I guess we might call them team leader—do that. This is one of our objectives of reorganization. I talked to several of the team leaders recently, and they did perform that function, although not as well as I think they would have liked to have done it. A lot of the review was done before it got to the branch chief level. So, I think

as we get structured and have more staff, the teams will do some of the review and then the branch chiefs will be able to do even more.

Mr. KILDEE. Mr. Erdahl.

Mr. ERDAHL. I have no questions at this point, Mr. Chairman. Thank you.

Mr. KILDEE. Some of the questions have been answered already, so I will just move ahead here.

These questions might be directly related to Mr. Brian Stacey, but again, Dr. Minter, you will orchestrate whomever else you want to answer. Maybe Mr. Stacey would like to come up to the table here.

When did you assume your current position, Mr. Stacey?

**STATEMENT OF BRIAN STACEY, ACTING BRANCH CHIEF, DIVISION OF LOCAL EDUCATIONAL AGENCY ASSISTANCE, OFFICE OF INDIAN EDUCATION**

Mr. STACEY. I started a 120-day detail as branch chief in what was formally known as the division of local education agencies assistance on July 6.

Mr. KILDEE. In your capacity as the current branch chief, I would like you to describe the final change in the use of the quality review form. There was a change, was there not, in the use of the quality review form in determining eligibility?

Mr. STACEY. I am not so sure that I would characterize it as a change in the quality review form.

Mr. KILDEE. The manner in which the form was used then.

Mr. STACEY. The quality review form was used, as described here, as technical assistance and to tell grantees where they had gone wrong in terms of rules and regulations and laws.

When I joined the staff, all the quality review forms had gone out and were coming back in. At that point then, the procedure was to determine the success with which we had encouraged grantees to revise their grant applications so that they were in compliance with the law. The parts of the quality review form then, that we would use in making a grant award, were only those parts that addressed deficiencies in terms of meeting the requirements of the rules and regulations and the law.

So, at that point I think there was a transition, if you will, in making the distinction quite clear; what part of the quality review form was technical assistance and did relate to rules and regulations and what part of it wasn't. Then, my discussions with the staff in determining the form that the ultimate grant was going to take, were confined to those areas of the quality review form that concerned themselves with deficiencies in rules and regulations, laws, and in some instances with costs that were proposed in grants that we had questioned and that we still felt that a prudent person would find unreasonable.

Mr. KILDEE. So at the time, you assumed responsibility, you established a clear dichotomy between merely technical assistance and law and rule and regulation as the basis for approving or disapproving grant applications?

Mr. STACEY. Yes.

Mr. KILDEE. Would that be an accurate summary?

Mr. STACEY. Yes, sir.

Mr. KILDEE. I think we would all agree that dichotomy is a proper dichotomy at this point.

Mr. STACEY. Yes, sir.

Mr. KILDEE. At the time that this change in use of the quality review form took place, how many quality review forms had been substantially changed or changed as a result of comments on the quality review form?

Let me indicate what I am trying to determine. Did some grantees, because of a different use of the quality review form, or what they perceived a different purpose they make substantial changes, in their grant applications, while others were not required to make those changes once it was clear that only rule and regulation and law would be the requirement for funding?

Mr. STACEY. Yes. To the extent that that is true, we still need to correct that. We concentrated our attention at the end of the grant cycle in making the awards on those grants, that the specialists were proposing to be conditioned, and we wanted to make sure that none of the grants were going to be conditioned for something that did not have basis in rule or regulation.

For those grantees who were directed to do something on their quality reviews, and analysis would show that some of that directive was not based on rules and regulations but they did it, and their application came in and then was recommended for approval, it was not rereviewed in this process. So to the extent that that did occur, that is something that we need to address ourselves to later on.

Mr. KILDEE. Pursuing that one step further, let me see if I can clarify this for my mind and for the record. It would seem then, there might be three categories of grantees. Correct me if I am wrong. One would be those who had already made changes in their applications as a result of a certain use of the quality review form.

Two, some of those whose applications may have been conditioned on using the quality review form other than on the basis of rules and regulation and law, and three, some who perhaps refused or did not change their application after the quality review form was submitted and returned, to them.

Aren't there three groups, those who made changes?

Mr. STACEY. Yes.

Mr. KILDEE. Those who refused to make changes and then some whose grant was conditioned?

Mr. STACEY. Yes sir.

Mr. KILDEE. Those who already made changes, they are pretty well frozen into the changes.

Those whose grants were conditioned, we can go and remedy some of those conditions, right?

Mr. STACEY. I think we need to do that for those areas where we may have imposed a condition in the quality review that was not based on rule, regulation or law. One example, I think that is known, is the requirement that all components of programs have 95 percent Indian participation. We do, I am sure, have some instances where we told grantees to do it, and indeed they did it. Those, however, at this point in the process would have come in as recommended approvals by the program specialists and therefore would not have been given any more attention.

Subsequent to that, when people asked questions about the consistency, we did turn up some cases wherein grantees had a requirement placed on them in the quality review, and upon reconsideration we changed it. We are certainly going to have to go back to the grantees who did comply and say that our posture is different.

Mr. KILDEE. So that third group, which I have tried to delineate, they will be informed that some of the changes that they made need not be followed through on, is that correct?

Mr. STACEY. Yes.

Mr. KILDEE. All right.

Ms. BEEBE. I don't know how many changes we can make in that process. One of the things that is unclear in the question is about the types of changes. I think the assumption is that all the changes that we asked them to make related to dropping one activity and finding a substitute.

In the majority of the forms, the biggest things that we asked them to do centered around three areas. One was write your objectives in measurable form. Many balked at doing that despite the fact that we notified them as early as November and again in January that that was a requirement.

A second change was that they had to improve their needs assessment. Many did go back and interview more students and more parents.

Another change had to do with the evaluation plan where the requirement was for an independent evaluator and they weren't evaluating the program.

So I don't know what we ask an applicant to do at this point. They have just actually responded in most cases in more detail.

In some cases we exercised an educational judgment based on cost principles. Say there was one example where about 25 or 30 percent of the money was being spent on 2 or 3 percent of the students, and we had some recommendations as to how they could do it more cost effectively and still meet their objective. They seemed to, and I am not claiming that all were, amenable to that.

Would we go back to the grantees and say that if you want to go back to your original approach to this objective rather than the one that we previously negotiated with you, then that is ok? Would we start a process where we go back to all grantees and say, it is open season—you can change your application if you can point out that we asked you to do something?

Clearly, in those cases where we told them to do something, not in the rules and regulations or law, like apply the 95 percent Indian participation, I think our analysts could call and relax the standard. Or we could rediscuss it and determine what we need to do. But the question you asked, will we institute a process whereby the third category of grantees will be given an opportunity to resubmit, I don't think we have discussed that enough.

Mr. ERDAHL. I think this whole discussion gets into something that may be very practical. It can be done. It appears, from the question Mr. Kildee has asked and from the responses from both of you, that there are, if not some inequities, at least some inconsistencies. I would hope that there would be the change—maybe remedy is too strong a word—to make certain adjustments to see



that some things that might be inconsistent and perceived by some to be inequitable, could be corrected. I think that is what you are getting at.

Mr. KILDEE. I was worried about the group that may have made programmatic changes as a result of the quality review form and those programmatic changes are in place and they talk to LEA M and they say we were allowed that, and LEA M said they had to change theirs.

I am not sure how that can be remedied. But it is something we should think about. I am not sure whether it is even practical at this time, but do think about that.

Dr. MINTER. May I suggest, Mr. Kildee, that we take your suggestion and that we confer amongst ourselves to see exactly what will that mean in terms of the number of grantees, seriousness of concern, and the inequity and inconsistencies. We will then develop a procedure, if need be, for addressing those. Then we will be again privileged to speak to you and the members of your staff and with the Advisory Committee before proceeding.

Mr. KILDEE. As I say, I am not sure what the remedy is. I am not sure how practical it is to open everything up. But I do think about it and I will ask you to think about it also.

Dr. MINTER. Yes sir, I think it will be instructive for us as we approach next year, the 1981 grant cycle.

Mr. KILDEE. Very good.

Mr. STACEY. I would like to make a comment on the pervasiveness of this. It is my impression, after having gone through in a cursory way all of the applications that were approved, that what we are talking about is not widespread. For the main part, it is confined to some small areas that had to do with the cultural activities and the extent to which Indian students would be participating in some of the activities. For the most part, these are confined to the cultural components of these grants, and for the most part, those are a minor part of the activity.

Most of the activities concern themselves with educational courses, reading, writing, dropouts, so forth. I don't think it is pervasive and so I think it is something we will be able to address.

Mr. KILDEE. It is something you think a remedy can be applied to?

Mr. STACEY. I would think so.

Mr. KILDEE. I would urge you to work on that because, lack of consistency creates friction and friction comes to the attention of this committee at times, as I am sure it comes to your own attention. I think uniformity, and consistency is both a fairer way to proceed and a safer way to proceed.

Dr. MINTER. We will do that.

Mr. KILDEE. Dr. Minter, since May we have been working very closely together with you to improve the delivery of services to Indian students, and we appreciate that close cooperation. Could you for the record, indicate what progress has been made through this cooperative effort?

Dr. MINTER. Yes, sir, Mr. Kildee. Many benefits, have been made from our relationship with your committee and also, with the National Advisory Council. In my August 26 letter to you, I out-

lined some of those. I will just use that letter as an outline now. I will not read it.

We have added staff for one thing, and we have made a commitment to additional staff. We knew that the personnel actions don't move so quickly that we can acquire new staff immediately. Nor do we have an unlimited personnel ceiling. So what we did was to detail five people from one of our other programs directly into the Office of Indian Education to perform some very specific tasks. They performed those tasks; four have returned, and one remains.

We intend to use, as my statement indicated, some positions by hiring at least eight permanent part-time employees. Those part-time employees will work the greater part of a week. Finally, when we receive our personnel ceilings, from the department, we intend to add at least 5 to 10 full time positions. That means probably that we will have to shift personnel from one of our programs.

I might add that one of the advantages that we feel in having the Office of Indian Education within a large office, like elementary and secondary education is that we have greater flexibility. So, within my own power as assistant secretary, I can determine where we have some very critical needs that have to be balanced against other if not equally critical needs. Priorities do have to be set, and we have committed ourselves at our office level, and certainly at the department level, to aiding the Office of Indian Education.

I do think that the matter of assigning staff, is also related to another matter to which you referred in your communication, and that is morale. One of the problems, I believe, with the morale in the Office of Indian Education is that it is a small staff, that the staff has been overworked and that one staff member has handled as many as 120 grants.

Now, while this is basically an entitlement, at least it is regarded as an entitlement or formula grant program, staff are generally assigned in the Department to formula grant programs in a limited way. More staff are assigned to discretionary grant programs because, as you know, there is more handling of applications, review, and so on.

However, the entitlement or the formula portion of the Indian education program is similar to but different from other formula programs such as title I of the Elementary and Secondary Education Act.

For instance, in title I, the State education agency actually reviews the grant applications. Though the money is awarded to local school districts on the basis of the title I eligible children, the State still has the obligation to administer the program. The State makes certain that the application coming from the local school district meets the specifications and stipulations of the statute. The State also assumes that the application represents a quality program that carries out the intent of improving the education of disadvantaged children.

So the State is a prime actor. In our case, in Indian education, the Federal Government acts in the place of a State, because the moneys flow directly from the Federal Government to the local school district. We have to take on an additional function of quality review and of technical assistance that generally would be done at the State level in the title I program.

However, we don't have enough staff to do the kinds of things that we have to do. We have therefore mounted an internal campaign within our own department to fight for more staff on the basis of those needs that have just been outlined.

So, we believe that as we add staff, and reduce the workload, that that will increase the morale. We have extended the career ladder opportunities, and we believe that our reorganization on the basis of functional specialization rather than on programmatic considerations will help program staff officers achieve a greater knowledge of the program.

A fourth concern that was raised by your committee was the time lines of new schedules, and we have discussed that at some length this morning. I might admit—that we might have been better advised to have held back on the cost guide when we found that we could not get it out until March. Or, we could have sent it out separately in February. That was a judgment call. Unfortunately, it did cause hardship on our grantees, but we have now had the experience and we will move forward from that point.

However, we do feel that the new schedule will enable us to go back to our past record of getting grants out on time. Our new schedule will allow plenty of time for local school districts to employ staff and to know what resources they will be working with.

You also raised a question concerning morale, grievances, and about people leaving the program. We have had a number of people leave the program, in terms of rapid staff turnover, but I think that, too, is indicative of and endemic to, small programs. Small programs become more isolated and insulated. This is, because of the very heavy workload and the apparent isolation that that program has with its single purpose and its almost single constituency.

We now feel that we have addressed some of those problems. I think we have addressed most of them. It is interesting, I never thought I would be waving the union newspaper at this committee, but we have in a recent issue of our union newspaper a letter signed by 30 members of our staff, which indicate that there is some exception to the fact that the union charged that there was great dissatisfaction and low staff morale in the Office of Indian Education.

We have the original letter and it has been signed by 30 staff members without, of course, Mr. Chairman, encouragement from the assistant secretaries or managers in the program.

I cite that because I think that in any enterprise, whether it is in the Federal Government or the school system, of which I have great knowledge, there are people who will be dissatisfied for one reason or another with the way management is proceeding or seems not to be proceeding.

But as a result of our associations, the fact that you have called these matters to our attention, the fact that NACIE has called it to our attention, the GAO report, and the Inspector General's report, we have addressed these issues. The grievances have been resolved. To my knowledge there were nine and all but three have been resolved. So, we feel that we are making a clean slate and that we will move forward with hopefully a staff that feels proud of the



program within which it is working and feels that management, whether you go from the bottom up or top down, is very much a part of their concern.

Mr. KILDEE. On that, as you know, I have written to Chairman Yates recommending full funding for the office. I think that is extremely important and I hope that his staff member who is here today will take back my message that I re-emphasize the letter that I wrote. I really feel that that full funding is extremely important.

Dr. MINTER. Thank you.

Ms. BEEBE. We appreciate that support.

Mr. KILDEE. Could you, Dr. Minter, give us a comparison perhaps with other divisions within the Department as to caseload? Do you have that now or do you want to submit something on that?

Dr. MINTER. I am not sure that I have.

Ms. BEEBE. Fifteen to thirty is the average caseload per specialist in the discretionary grant programs; our average is 100 applications handled by a specialist in the part A program.

Mr. KILDEE. You have a good argument then for more staffing?

Ms. BEEBE. Yes, not only a good argument for more staff, but I think we have a sense of understanding of how difficult it was for the staff to do this job in such a short time and without adequate support.

I think the staff in Indian Education has contributed more to the Federal Government probably than anybody realizes especially in terms of what it has taken them to get the job done.

Mr. KILDEE. That is why I indicated in the very beginning my concerns with this process, and expediting procedures and not a person or people, because I think we all are concerned in trying to expedite that process and there are many ways of expediting the process. One of the ways is to reduce that caseload per person.

Dr. MINTER. We appreciate that. May I make one request—that my letter to you of August 26, if it has not been admitted to the record, that it be admitted to the record?

Mr. KILDEE. It shall be admitted for the record.

Dr. MINTER. Thank you.

[The letter referred to above follows:]

U.S. DEPARTMENT OF EDUCATION,  
ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION,  
Washington, D.C., August 26, 1980.

Hon. DALE E. KILDEE,  
U.S. House of Representatives,  
Washington, D.C.

DEAR MR. KILDEE: I am writing to inform you of the status of our efforts to improve the management of the Indian Education program.

Since our meeting in May, members of my office, including Dr. Gipp, have met on several occasions with your staff to explore ways to strengthen the Indian Education program. Based on those meetings, as well as our own considerations, we have taken several actions of which you should be aware.

One of the major problems identified was the insufficient number of staff to administer the Indian Education Act. To remedy that situation in early July we detailed 5 individuals from other parts of the Office of Elementary and Secondary Education to the Office of Indian Education (OIE). These individuals primarily have assisted in implementing the grant award process for 1980-81 under Part A of the Indian Education Act.

While this detail of personnel has provided temporary relief to the situation of an inadequate number of staff, a longer term remedy is required. Toward that end, within existing Department-wide personnel ceilings, we plan to augment the Office

of Indian Education staff with 8 part-time permanent positions. Announcements for these vacancies were posted by our personnel office during the period July 14 to August 8. We are now reviewing the applicants for those vacancies, and expect to fill most of the vacancies by November, 1980. Our ability to do this will depend in part on the quality of the applicants.

A second concern is staff morale. This is especially true for program specialists, who believe that a substantial amount of their time is devoted to routine administrative functions. Dr. Gipp is addressing this problem through a major reorganization of the Office of Indian Education. The proposed reorganization is currently under review within the Department. In brief, the Office of Indian Education will be organized along functional rather than programmatic lines, thereby permitting us to assign routine administrative duties to specific individuals rather than dividing the responsibility among all employees. When approved, the reorganization will also allow for career ladder GS-13 education program specialists within OIE. This should upgrade the overall quality of the professional staff, as well as enhance staff morale.

A third issue raised in the meetings with your staff was a concern about the funding for the evaluation and technical assistance centers under Parts B and C of the Indian Education Act. Attached is a letter from the Secretary of Education to Senator Byrd (Attachment A), which clearly describes the Department's position that these centers are to be forward funded. We are currently in the process of reviewing competitive proposals to operate these centers. We expect to award these contracts by the first week of September, and the centers will commence activity immediately upon award.

A fourth concern noted was the Office's ability to make awards to school districts and tribal schools under Part A of the Act by the end of the fiscal year, as well as the length of time it would take for payments to be made to school districts after the award. The awards under Part A were effective as of August 14. Districts will receive their initial payment by mid-September. Dr. Gipp and his staff have worked closely with several States which had concerns about the timing of the grants, including New Mexico and Arizona. We have provided these States with preliminary lists of grantees and expected award levels to assist the States in carrying out their responsibilities.

As Commissioner Smith testified before your committee on May 2, the delays in award making were a Department-wide problem, resulting from delays in publishing general regulations (EDGAR) governing all programs in the Department. We therefore do not anticipate any similar problems in the award cycle for 1981-82.

A fifth issue raised in the meetings with your staff was the administration of the fellowship program under Part B of the Indian Education Act. Specific concerns were expressed about the process for determining eligibility under the criteria "and related fields." We shared with your staff an internal memorandum which outlines the process used by Office of Indian Education to make that determination. The process, in recognition of the tremendous variation across our Nation's colleges and universities, provides for a review of institutional material to determine whether the institution treats the field as related to one of the six specifically cited in the legislation. Our current judgment is that local variation would make the imposition of a standard definition of "related fields" through regulation impractical. We are, however, interested in the views of the Committee on this matter. Attachment B is a copy of our procedures which you may find useful.

Grievances filed by employees were cited as a sixth concern about the administration of the Office of Indian Education. In my view, the filing of grievances by employees should not be discouraged, and is not an indication of poor management. The grievance procedure provides employees and management with the opportunity to resolve important issues in a formal, approved process. In fact, we have acted over the last several months on all grievances filed within the Office of Indian Education.

A seventh concern raised in the meeting with your staff was the inconsistency of information provided to grantees under the Indian Education Act. We have had considerable discussion concerning this issue and have agreed that a "policy and procedures" handbook should be prepared for all Office of Indian Education staff. This handbook will provide guidance to staff on the information to be provided to grantees. Considerable effort will have to be expended to produce this document after the grant process for 1980 is completed, and we anticipate completion by December 31, 1980. Once the document is prepared, all staff will be trained to use it.

You may already know that the National Advisory Council on Indian Education is conducting a review of the management of the program during the week of August 18. We will consider their findings prior to taking any other actions to further strengthen our administration.

The House Appropriations Subcommittee for Interior and Related Agencies has also indicated their intention to examine the management of the program. Although we are unaware of their specific concerns, we will cooperate in any review mechanism which that Committee believes is appropriate.

As I mentioned earlier, we have discussed these general concerns with your staff on several occasions, and think that substantial progress has been made. We look forward to continuing that effort.

In closing, I wish to emphasize the continued commitment of Dr. Gipp and myself to an efficient and fair administration of programs under the Indian Education Act.

Sincerely,

THOMAS K. MINTER

Mr. KILDEE. While we are on this, are there any laborsaving devices, such as office machinery or things like that, that would assist you in carrying out your responsibilities?

Ms. BEEBE. Lots.

Mr. KILDEE. Could you give us a list, submit it to myself and Congressman Yates' representative here. Could you give an example for the record where you think perhaps you are deficient in some things.

Ms. BEEBE. We lack our own Xerox machine and automatic typewriters; our file system is terribly inadequate. Those are minimum needs. We don't have new typewriters for secretaries. We have antiquated desks and inadequate storage space for most of our staff.

Mr. KILDEE. I say this on the record; I always believe that I hire excellent staff people. When I hire excellent staff people, I get for them the very best equipment. I really think it is a false savings to ask excellent staff people to work with antiquated equipment when there is so many new generations of equipment that really help us.

I do think that you should keep making your request as loud as you can. I know you have to go through OMB.

Ms. BEEBE. There is a moratorium against purchasing many types of equipment and furniture.

Mr. KILDEE. Do you have a letter-stuffing machine, or is that by hand?

Ms. BEEBE. They do it by hand in the conference room.

Mr. KILDEE. Can you borrow from other agencies Dr. Minter, within your department?

Dr. MINTER. I don't know if anyone has one. We certainly will look around, and where we can, share materials and staff. We will do that Mr. Kildee, but as you point out, there is nothing like having your own.

Mr. KILDEE. One of the problems with this year's process was a lack of stability. What will be done to see that the process does not undergo similar shifts in the future? I know you have to make changes. You are going to make a change, for example, in the application form this year. Recognizing the changes take place and you certainly can't be cast into concrete, are you trying to move toward a certain stability?

Dr. MINTER. Yes, we are, and I will certainly ask Dr. Gipp to add any comment he might have. I think that last year was extraordinary. In fact three things happened.

First, the effect of the 1978 amendments came to bear in the EDGAR regulations. Second, we prepared our own regulations for the Indian education program. And then, third, this new department came into being. I am terribly cognizant of the fact that a

part of the rationale for the new department was efficiency and effectiveness in management techniques, and I hope that you will take our efforts as a sign of what the new department will be and not where we started.

So, we will be moving along in that area. We will now look at our plans for the coming year. We won't make the kinds of decisions on which we can determine that it is too late to initiate a new procedures.

Mr. KILDEE. You have to balance?

Dr. MINTER. Ms. Beebe referred to the Follow-Through program in her testimony a little while ago. One of the things we wanted to do in Follow-Through was to make some changes as a result of an audit that was made of the program. The manager was very anxious to make the changes overnight. However, someone rightly said you can't do that until 1981 because grantees have to be notified, and you have to have an orderly process. That is not delaying. I think that most of us, as managers, are very anxious to make the changes as soon as we see that they are necessary. Needs have been called to our attention, and we want to move in good faith to correct them.

I think that is what happened in the matter of the cost guide this year as well as some other procedures that we instituted. We now have a fair warning in the sense that we know what is expected. We know what we have to do to bring about good management reforms, and we are prepared to do that.

Our handbook will be very important; in fact, the development of the handbook itself is a training mechanism. Then, in addition, we will have training.

I might add that over the past couple of years that Dr. Allen Brownsword has been working with the Indian Education Office to provide organizational development training. It is partly through his efforts that the early move toward reorganization of the office came about. As you probably know—the subtle changes that come about when a third party intervenes and begins to work with people are not always apparent on the surface.

I think that those results now are beginning to pay off.

Then, finally, we have multiyear grants for the first time as a result of new regulations. Now, we will be able to ease some of the burdens in the process. We will not have to do as many operations within the same year. That doesn't mean we will need less staff, because we certainly will need staff to carry out some of the things that they have not been asked to do. We certainly need to get out in the field more to be able to monitor programs.

And finally, we have our commitment to technical assistance beforehand. In so many of our programs we find that grantees are out of compliance, and we lodge audit exemptions against them. I think that is a very negative way of improving a program. The best way to improve a program is technical assistance prior to the project's beginning. We will do all that we can to improve such assistance.

Mr. KILDEE. Thank you.

While it is on my mind, I would like for the record to indicate just how I have been impressed with Congressman Yates. I am a relatively new Member of Congress and he has been here many

years. He has been extremely cooperative with me, very concerned and I just feel that you have a very good friend in him. He is someone who shares the same concerns that many of us in this room share, and I am extremely happy that he has sent somebody from his staff here today.

Dr. MINTER. We will be pleased to meet with Congressman Yates at any time he would like.

Mr. KILDEE. I am sure that would be helpful.

Ms. BEEBE. Mr. Yates always gives us a very good hearing on our appropriations process.

Mr. KILDEE. He is a very fine Member of Congress and I know he has a deep level of concern on this.

I think we will ask a few questions on the development of the manual and I think we will terminate at that point.

When do you expect the manual to be completed? I don't want you to be frozen to a rigid deadline, but do you have any idea in mind.

Dr. GIPP. Tentatively, we are attempting to complete that by December of this year. Obviously, the manual must be in place, and training has to occur before the 1981 grant cycle begins. We will be working hard to try to achieve that and hopefully earlier, if possible, but the workload that we do face this fall is large. We have a lot of conferences that our people have to attend to provide different kinds of assistance.

We are also concerned about our ability, as Dr. Minter has indicated, to get out to the field for site visits. We have some congressional mandates there that we are very concerned about. So, we face a number of things that procedurally must be done and that policy manual development, of course, will be one of our major concerns.

Mr. KILDEE. In the manual you will make distinctions between technical assistance and those things based upon statutes, rules, and regulations. Will there also will be some statement of the fact that we want to emphasize self-determination, that the parent committee's role is a real role? Will this be somehow included in the manual?

Dr. GIPP. I think that is a principle that all of us within the Office of Indian Education and Elementary and Secondary Education obviously support, and it is not our intent to try to violate that. I think it is important for us to keep that in mind in all our decisionmaking.

I might add that through the regulations, we did try to very clearly lay out the role of the parent committee so that it might be strengthened. Of course, we walk a very fine line from the standpoint of how that parent committee interacts with the local educational agencies. In many cases, we feel that concerns that are raised, in fact a vast majority of them, are local concerns that should really be resolved at the local level. Frequently, we are called upon to make decisions or influence that process, and so I think we have to be very careful to avoid during that.

We do require that bylaws be established for the operation of the parent committee, and I think it is through that mechanism that those parent committees get some real commitment from the local educational agency.



Mr. KILDEE. Who will actually be writing the manual?

Dr. GIPP. That will be headed, I think, primarily by my planning staff, which is very small. They will have to undertake that task.

Mr. KILDEE. Will NACIE be in any way involved in an advisory capacity on this?

Dr. GIPP. Yes, I think it is very important that they play that role.

Dr. DOSS. I think there will be plenty of time to bring the manual to the next council meeting which will be in October. If a draft is prepared and it can be reviewed at that time, prior to the final legislation—

Mr. KILDEE. Could you comment on that, Dr. Gipp?

Dr. GIPP. I am not sure we will have a fairly well developed draft by that time.

Mr. KILDEE. I think that communication and cooperation is something this committee would certainly encourage.

Ms. BEEBE. I think it is important to understand that this manual is an internal staff document. It is for the purpose of guiding our staff in performing their daily responsibilities. It isn't something that will help the grantees do their job better, it is something to help us avoid the inconsistencies that we may have made in the review this year. Our staff will be fully aware of any general counsel opinions that exist, and we will provide sample letters on how to answer what are the 30 or 40 questions that grantees most often ask us. The document will contain a fairly standard kind of reply; in an instance where something is being questioned, what you do to resolve it; who you talk to on what issue; where issues are referenced in the law or the regulations; and who else in the Department of Education has to clear it.

Mr. KILDEE. How about the grantees, will there be any opportunity for input from the grantees? Have you provided any mechanism for that?

Dr. GIPP. At the present time, Mr. Chairman, we really haven't developed fully how we will approach this. I think we are open to suggestions, obviously, to do that.

Mr. KILDEE. I would explore input from the grantees.

Dr. MINTER. I would like to make a comment. You probably know that in the formation of a title I regulation, we had extensive comments from coordinators out in the field. I see no reason, after consulting with Dr. Gipp and members of his staff, why we could not invite selected grantees to come to react or send information out to them for their reaction.

Even though they are not officially a part of the staff, we can send documents out for reaction.

Ms. BEEBE. Again, it would be asking them to advise us on how to better train our own people. It is a little tricky in terms of dealing with "the field" in helping us get our own tasks better organized. In terms of reviewing with the field things like cost guides, I think that we need to reach out and do that more systematically. But from a management point of view, I don't know what a parent committee would say to us when we have a manual that says here is a check list you have to go through when you receive a grant, here are definitions that you need to use, here are our

supervisors, and here are the general counsel opinions. I don't know how useful that would be.

I think it would be helpful for NACIE to review this. It would be a way of sharing with them our management problems, the kind of things that we feel that we need to improve-----

Mr. KILDEE. Maybe the regional resource centers could be a source of information for you also in that.

Dr. MINTER. I think we would have to organize that. Let us say for the record, that we are committed to widespread involvement.

Mr. KILDEE. Will the manual govern applications made for fiscal year 1981, when are your applications due?

Dr. GIPP. We are planning at the present time to have an application deadline of January 1981 so that we can make awards between April and May.

Mr. KILDEE. Your manual will be completed before that date?

Dr. GIPP. Well, this is why tentatively we are saying that the manual will be ready in December, but obviously it would be more beneficial if we can complete it earlier.

Dr. MINTER. We should draw a line between the use of the manual and the use of the cost guide. There is a little more leeway in terms of time to complete the manual. The cost guide, of course, is for the grantees.

Mr. KILDEE. The manual for your staff?

Dr. MINTER. Yes, for our own staff. That manual will be used after the proposals come in and we are reviewing them. A December deadline will give us time to get the manual completed and begin to train our staff. I am not sure what the exact date is that our applications are returned, but the use and the efficacy of the manual will be realized as our staff applies the principles within.

Mr. KILDEE. To the application?

Dr. MINTER. To the application, that is right.

Mr. KILDEE. Actually, development of the manual can be in-service training in itself can it not?

Dr. MINTER. Exactly.

Mr. KILDEE. After the manual is completed do you intend to have in-service training on that to make sure that the manual is being followed?

Dr. MINTER. Yes, and as updating occurs, staff will need to be trained and retrained. Also we bring on new staff we will have to make certain that they are trained in the use of our procedures.

Ms. BEEBE. One form that the manual might take would be a looseleaf notebook with tabs. As we update our procedures, we would Xerox for all the analysts a new insert. Maybe the tabs might have what you do when you receive applications, what you do when you close out a grant, typical questions, and general counsel's opinions. We would also keep the most up to date copy of the regulation and the law in it.

It would be a reference book for each analyst, and we need to update it as new things occur.

Mr. KILDEE. I think for the committee record, you are going to supply some applications or the quality review forms for us to complete the record?

Ms. BEEBE. Yes.

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Mr. KILDEE. We will welcome that so we will have a balanced record here. To further complete the record, we also may wish to put some representative cases into the record.

Dr. MINTER. Certainly.

Mr. KILDEE. Dr. Minter, I really want to thank you and Dr. Gipp and the other people present here this morning for your presence. Your testimony, as well as that received from other witnesses, will reinforce our commitment to title IV programs. This record, I think, is a positive record.

I have said many times before that all human beings seek to perfect themselves. I hope I am a better person next year than I am this year.

I think we have by these hearings, put ourselves, all of us, in a better position to serve the Indians of this country, and I think we have had very, very close cooperation and I look forward to joining with you not as an adversary, but as a partner in delivering these services. I think we have demonstrated that well here today.

Dr. MINTER. Thank you very much, Mr. Kildee, and I would like to say how much we have appreciated your concern and your interest. We are also informed by the experience of the last few months.

But, we must become excellent and demonstrate our commitments rather than just mouth them. That becomes very important. I think your committee is providing a valuable function, not only of oversight but also of stimulation. I think the same thing is true of the NACIE committee and of the other reports that we have read. They have not always been pleasant, and allegations have been made, but we have had to face those issues as a result of the reports.

I feel we have faced the issues. I feel we understand what the problems are and that we will try to get the resources that we need. No one ever has full resources or all the resources that he would like, but we will certainly make the very best use of the resources that we have, and we will remember that no matter what happens within our organization, that the purpose of the act is to improve the education of Indian children, and I think that is what is important.

Mr. KILDEE. Thank you very much. I thank all of you.

The committee will now stand adjourned.

[Whereupon, at 11:55 a.m., the subcommittee was adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

#### WRITTEN STATEMENT BY THE NATIONAL CONGRESS OF AMERICAN INDIANS

We are submitting this statement for the record as an expression of our deep concern about the content, orientation, and the implication of the recently held oversight hearings on Title IV, Indian Education Act.

The National Congress of American Indians (NCAI) requested, through our letter of August 22, 1980 to the Honorable Carl Perkins and Honorable Dale Kildee (copy attached) that these hearings be postponed. NCAI was concerned that sufficient notification had not been provided to the tribes about these hearings and that, as a result, only a selected (if not selective) representation of tribal interests in the Title IV question would be presented during the hearings. Such in fact appears to have become the case. While the stated purpose of the hearings was to be limited to the quality review process and the application procedure, the testimony focused on a much wider range of issues. We do not deny the validity of the points raised in those statements—especially those relating to the interaction between the Office of

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Indian Education (OIE) staff and persons and programs in the field. We recognize that there is a need for strengthening the service delivery process within OIE as well as in other agencies within the U.S. Department of Education. We do feel, however, that if such problems in service delivery are to be explored within an oversight hearing context, ample representation of tribal delegates from all of the administrative regions should be solicited, so that a true picture of the strengths and weaknesses of OIE's operation could be obtained.

The list of persons and agencies called to testify before the Committee during the oversight hearings is far from representative of the diversity of tribal contexts and local conditions which is found in Indian America. Of the ten persons presenting testimony, three persons represented issues from the same state (North Carolina); two persons represented issues from a second single state (New York). At least three of the ten speakers represented urban educational interests. On the other hand, only one of the speakers represented the interests of the federally recognized tribes—and that speaker more accurately speaks on behalf of a confederation of recognized tribes, not a single tribal entity.

NCAI is aware that Title IV is not required by a 93-638-style mandate to serve only the federally recognized tribal entities. At the same time, Title IV is a federally based educational services program designed specifically to meet the special educational needs of Indian students. The federal government has a specific responsibility, due to the provisions of the treaties and the trust agreements, to meet the needs of Indian students who are members of the federally recognized tribes. Therefore, recognized tribes should have had significant representation within the witness list. We are concerned about this omission and can find no way to account for it. The absence alone leads us to wonder whether there were more than one agenda being served by the structuring of these hearings. And we also wonder, whether in an election year, it is prudent on the part of any federal official at any level, to try to divide, restrict and curtail full Indian expression on issues which impact so significantly on Indian tribal well-being.

And there are additional indications that there were some "hidden agendas" underlying the design and implementation of these hearings. Testimony was offered by certain federal officials, for example, which attempted to show that the OIE operates in terms of highly selective (and therefore highly insensitive) procedures. A memo submitted for the record, for example, that NCAI and the National Tribal Chairmen's Association (NTCA) were the only agencies to receive the National Advisory Council on Indian Education (NACIE) nomination ballots, leaving it to those agencies—not OIE, to disseminate the nomination requests to the tribes for their input. It is sufficient to say that the allegation is groundless, that NCAI and NTCA have not, do not, and are not expected to undertake such services on behalf of the OIE. We have seen no evidence that OIE does not attempt to keep tribes informed on such matters; and at no point within the testimony presented during the hearings was such a charge raised—even by selected, nonrepresented sample assembled for this purpose.

In sum, NCAI feels a high level of frustration and disappointment with the outcome of the recently held oversight hearings on the Title IV question. We recognize that a review of Title IV and the OIE is a good and useful thing—all federal programs designed to serve the needs of Indian tribes need continual review and monitoring, to guarantee that the highest quality of service is being provided to the persons the program is designed to serve. However, such a review of program performance and potential cannot be obtained through the kind of unilateral witness selection which was evidenced in these hearings. NCAI will support, and stands ready to work with the House Committee on Education and Labor, in the structuring of meaningful, substantive, representative oversight hearings which give suitable evaluation of all sides of the Title IV service question—strength and weakness. We express the highest level of disappointment and dissatisfaction at the way in which the hearings of September 3, 1980 made feeble attempt to address so important a goal.

NATIONAL CONGRESS OF AMERICAN INDIANS,  
Washington, D.C., August 22, 1980.

Hon. DALE KILDEE,  
Committee on Education and Labor,  
U.S. House of Representatives, Washington, D.C.

DEAR MR. KILDEE: It has recently come to our attention that the Committee on Education and Labor plans to hold oversight hearings scheduled for early September regarding the administration of the Indian Education Act.

The National Congress of American Indians requests that these hearings be indefinitely postponed. We do not feel that adequate notice has been given Tribal Governments to allow them to participate in these hearings. To not provide for their participation, we feel, would place the hearings in violation of the spirit of the Indian Education Act which was to support the self-determination of Indian Tribal Governments.

Further, we feel the timing of the hearings came at an inopportune time since the national elections are only sixty days away and these hearings may lead to a political attack against all Indian education programs.

If it is determined that these hearings will be held, NCAI feels that these are other pertinent areas that should be addressed such as:

1. An increase in the staffing ceiling for OIE to make it comparable with other similar sized programs.
2. The consolidation of all Indian education programs within the Department of Education under the Office of Indian Education.
3. The appointment of an American Indian to the position of Special Counsel to the Committee on Education and Labor. This person to serve as the liaison between the Committee and Indian Nations on issues and concerns related to that Committee.

The National Congress of American Indians hopes that our request for postponement will be seriously considered.

The National Congress of American Indians recognizes your long support for Indian education. We realize that you will understand our apprehension regarding possible personal or political attacks upon Indian education and the Office of Indian Education.

Thank you for considering our request.

Respectfully,

RONALD P. ANDRADE,  
*Executive Director.*

[Telegram]

INDIAN HERITAGE HIGH SCHOOL,  
Seattle, Wash., August 27, 1980.

Hon. CARL D. PERKINS,  
*Chairman, Committee on Education,  
House of Representatives, Washington, D.C.:*

There are many Indian tribes and organizations and we feel there has not been adequate notice given for them to participate in the hearings. We would like to see the hearings postponed until adequate notice can be given to all.

FRIEDA KIRK,  
*Program Manager.*

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION,  
Washington, D.C., August 24, 1980.

Hon. CARL D. PERKINS,  
*Chairman, Committee on Education and Labor, Subcommittee on Elementary, Secondary, and Vocational Education, U.S. House of Representatives, Washington, D.C.*

DEAR CHAIRMAN PERKINS: We are in receipt of a copy of your letter to the Honorable Shirley M. Hufstедler regarding the September 5, 1980, oversight hearing before the subcommittee relative to the administration of the Indian Education Act by the Office of Indian Education. Relative to the hearing date, the National Advisory Council on Indian Education's Study Team, which was created for the purpose of reviewing the Office of Indian Education Administration, respectfully requests a postponement for the following reasons:

1. Since the hearing involves a mandated responsibility of the National Advisory Council on Indian Education, the Council would like to present the findings of their study. The constraints of time for study and compliance to the NACIE policies regarding reports are such that the report will not be ready for consideration and acceptance by the full Council until October 17-19, 1980. After that time the Council will be ready for presenting their data.
2. Since education of our youth is of extreme importance to the National Indian constituency and since educational operation under Title IV throughout the United

States will be in their first week of session, the September date puts undue pressure on the Indian constituency to prepare for this important hearing.

The study team realizes that the Education and Labor Committee also has its constraints in arranging schedules. We, therefore, thank you for your consideration and are hopeful that rearrangement is still possible.

Respectfully submitted,

DR. HELEN MARIE REDB.  
*Study Team Director*

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION—PRESS RELEASE, AUGUST 25,  
1980

#### NACIE STUDY TEAM

The National Advisory Council on Indian Education (NACIE) approved the establishment of a "Special NACIE Study Team" at their most recent Council meeting in Rapid City, South Dakota, on July 21, 1980, to conduct an administrative and programmatic review of the Office of Indian Education.

The Study Team commenced work immediately in the development of a study model, planning the review process, data collection process and setting an agenda schedule.

During the week of August 18-24, 1980, the Study Team gathered objective data through document review, interviews, surveys and policy review.

The Study Team is currently drafting a report on the findings which will be submitted to the U.S. Congress after the full Council has had the opportunity to review and approve this report.

The next full Council meeting will be held in Dallas, Texas, on October 17-19, 1980.

NATIONAL CONGRESS OF AMERICAN INDIANS,  
Washington, D.C., August 22, 1980.

HON. CARL D. PERKINS,  
*Chairman, Committee on Education and Labor, U.S. House of Representatives,  
Washington, D.C.*

DEAR MR. PERKINS: It has recently come to our attention that the Committee on Education and Labor plans to hold oversight hearings scheduled for early September regarding the administration of the Indian Education Act.

The National Congress of American Indians requests that these hearings be indefinitely postponed. We do not feel that adequate notice has been given Tribal Governments to allow them to participate in these hearings. To not provide for their participation, we feel, would place the hearings in violation of the spirit of the Indian Education Act which was to support the self-determination of Indian Tribal Governments.

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2. The consolidation of all Indian education programs within the Department of Education under the Office of Indian Education.

3. The appointment of an American Indian to the position of Special Counsel to the Committee on Education and Labor. This person to serve as the liaison between the Committee and Indian nations on issues and concerns related to that Committee.

The National Congress of American Indians hopes that our request for postponement will be seriously considered.

The National Congress of American Indians recognizes your long support for Indian education. We realize that you will understand our apprehension regarding possible personal or political attacks upon Indian education and the Office of Indian Education.

Thank you for considering our request.

Respectfully,

RONALD P. ANDRADE,  
*Executive Director*

U.S. DEPARTMENT OF EDUCATION,  
Washington, D.C., August 28, 1980.

Hon. CARL D. PERKINS,  
Chairman, Subcommittee on Elementary, Secondary, and Vocational Education,  
Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. PERKINS: Thank you for your letter of August 20 to Secretary Hufstedler requesting that she or her designee testify at an oversight hearing on the administration of the Indian Education Act on September 5, 1980.

Dr. Thomas Minter, Assistant Secretary for Elementary and Secondary Education will present testimony for the Department concerning the administration of the Indian Education Act. Dr. Minter will be accompanied by the leadership of the Office of Indian Education including, insofar as possible, those officials whom you requested in your letter.

Effective and efficient administration of the Indian Education Act is the intent of the Department. We appreciate the interest of the Committee and look forward to the opportunity to discuss our actions.

Sincerely,

MARTHA KEYS.

HARVARD UNIVERSITY,  
GRADUATE SCHOOL OF EDUCATION,  
Cambridge, Mass., August 25, 1980.

Mr. ALAN LOVESEE, Esq.,  
Special Counsel, House Committee on Education and Labor, Cannon Building, Washington, D.C.

DEAR MR. LOVESEE: I understand that your Committee plans to hold administrative oversight hearings on the Office of Indian Education on September 3, 4, 5, 1980. As a grantee of the Office of Indian Education, in my capacity as American Indian Program director, I have had the opportunity of dealing with the Office of Indian Education on a number of administrative problems. Further, since I am presently planning to be in Washington at the same time you will be holding these hearings, I would like to volunteer my testimony.

I realize that the dates of the hearing are quickly approaching, so I will be calling you within the near future. As a consequence your written reply to this letter will not be necessary.

I thank you in advance for your kind attention and consideration in this matter.

Sincerely yours,

FRANK ANTHONY RYAN, Esq.,  
Director, American Indian Program  
and Lecturer on Education.

ALL INDIAN PUEBLO COUNCIL, INC.,  
ALBUQUERQUE/SANTA FE INDIAN SCHOOL,  
Santa Fe, N. Mex., June 26, 1980.

(Attention: Ed Semermeyer, Project Officer).

Dr. GERALD GIPP,  
Deputy Commissioner,  
Office of Indian Education, Washington, D.C.

DEAR DR. GIPP: Attached you will find the Santa Fe/Albuquerque Indian School's response to the Office of Indian Education's Quality Review Form regarding our Public Law 92-318, Title IV, Part A, Tribal Schools Entitlement Grant Application, account No. 0830A. Also, enclosed is a copy of the school's Public Law 93-638 contract.

We were pleased with the type of review and with the assistance we have received from our project officer. The following budget, evaluation plan, and project scope adjustments indicate our need for a 10.5 month planning grant.

I am confident that we have met the recommended provisions and that this application will be approved for funding. I look forward to continued cooperation with your office to improve Indian Education.

Sincerely,

JOSEPH ABEYTA,  
Superintendent.